

The following Motions and Documents were considered by the General Faculties Council at its Monday, November 14, 2022 meeting:

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Agenda Title: **Sexual and Gender-based Violence Policy**

CARRIED MOTION:

THAT the General Faculties Council rescind the following component of the motion approved at its September 19, 2022 meeting for Item 10: Revisions to Sexual Violence Policy and new Student Conduct Policy (to replace non-academic portions of the Code of Student Behaviour):

THAT the General Faculties Council recommend that the Board of Governors approve the amendments to the Sexual Violence Policy as identified in Attachment 1.

CARRIED MOTION:

THAT the General Faculties Council recommend that the Board of Governors approve the revised Sexual Violence Policy ("Sexual and Gender-Based Violence Policy") as set forth in Attachment 1.

FINAL Item 4

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Agenda Title: **Proposed Revisions to Terms of Reference – General Faculties Council**

CARRIED MOTION:

THAT the General Faculties Council approve the proposed changes to the GFC Terms of Reference as set forth in Attachment 1, to take effect upon approval.

FINAL Item 5

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**FINAL Item No. 4**
**Governance Executive Summary  
Action Item**

<b>Agenda Title</b>	<b>Revisions to Sexual Violence Policy</b>
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**Motions**

<p>THAT the General Faculties Council:</p> <p>a) rescind the following component of the motion approved at its September 19, 2022 meeting for Item 10: <i>Revisions to Sexual Violence Policy and new Student Conduct Policy (to replace non-academic portions of the Code of Student Behaviour)</i>:</p> <p style="text-align: center;"><i>THAT the General Faculties Council recommend that the Board of Governors approve the amendments to the Sexual Violence Policy as identified in Attachment 1.</i></p> <p>and</p> <p>b) recommend that the Board of Governors approve the revised Sexual Violence Policy (“Sexual and Gender-Based Violence Policy”) as set forth in Attachment 1.</p>
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**Item**

Action Requested	<input type="checkbox"/> Approval <input checked="" type="checkbox"/> Recommendation
Proposed by	Office of the Provost and Vice-President (Academic)
Presenter(s)	Kathryn Todd, Deputy Provost (Academic)

**Details**

Office of Administrative Responsibility	Provost and Vice-President (Academic)
The Purpose of the Proposal is <i>(please be specific)</i>	The proposal is before the committee to recommend approval of amendments to the Sexual Violence Policy. Following GFC’s initial recommendation of the policy in September, the Board of Governors requested changes to the policy. These new changes are now before GFC for recommendation in Attachment 1.
Executive Summary <i>(outline the specific item – and remember your audience)</i>	<p><u>Background</u></p> <p>Following GFC’s recommendation of the initial revised Sexual and Gender-Based Violence policy on September 19, 2022, the Board Human Resources and Compensation Committee requested changes be made to the policy specific to faculty and staff and the potential power-imbalance in a teaching or supervisory relationship as well as to comply with requirements of the Occupational Health and Safety Act of Alberta.</p> <p>Following discussion of draft changes to address Board concerns at the October Board meeting, the Board of Governors tabled the motion to revise the Sexual Violence policy, approve the Student Conduct Policy and associate procedures, and rescind and amend the Code of Student Behaviour, until such time that questions raised by members regarding the intentions of the Sexual Violence Policy could be resolved and further consultation with the student leaders could take place. The version that is before GFC today is the result of those further discussions.</p> <p><u>Current Proposal</u></p> <p>These changes, which do not make significant changes to the overall content of the policy:</p>



**Item No. 4**

	<ul style="list-style-type: none"> <li>strengthen the University’s commitment to create an environment where people feel more comfortable disclosing incidents of sexual and gender-based violence,</li> <li>emphasize the university’s responsibility to protect current and future students (and other employees of the university) from being traumatized by continuing acts of SGBV, and</li> <li>recognize the power imbalance that is often a contributing factor in incidences of sexual violence.</li> </ul> <p>These changes do not alter the University’s commitment to a survivor-centred approach to responding to sexual and gender-based violence, which is a requirement of the government’s recent directive.</p> <p>For full background on this initiative, members may wish to reference the original package that came before GFC, which is linked as Attachment 2.</p> <p><u>Next steps:</u> The Board of Governors will consider this revised version following GFC’s recommendation. The University is on track to submit our revised policy and related documents to the Minister on the timeline contained in the directive, assuming no further delays.</p>
Supplementary Notes and context	<p>The proposed changes to the Sexual Violence (SV) policy do not impact the previously-recommended material for the Student Conduct (SC) Policy and associated procedures, or the rescission and amendment of sections of the Code of Student Behaviour (CoSB). Following a recommendation from GFC on the current proposal, the most recent revisions to the SV policy will be incorporated into the original proposal for consideration by the Board of Governors, of the SV policy (“Sexual and Gender-Based Violence Policy”), the SC policy and associated procedures, and rescission and amendment of sections of the CoSB.</p>

**Engagement and Routing (Include meeting dates)**

<p>Consultation and Stakeholder Participation (parties who have seen the proposal and in what capacity)</p> <p>&lt;For information on the protocol see the <a href="#">Governance Resources section Student Participation Protocol</a>&gt;</p>	<ul style="list-style-type: none"> <li>Office of the Provost and Vice-President (Academic)</li> <li>Office of General Counsel</li> <li>University Governance</li> <li>Office of the Vice-President (University Services and Finance)</li> <li>Sexual Violence Response Coordinator</li> <li>Board Learning, Research, and Student Experience Committee</li> <li>Board Human Resources and Compensation Committee</li> <li>Board of Governors</li> <li>University Chancellor</li> <li>Students’ Union</li> <li>Graduate Students’ Association</li> </ul>
Approval Route (Governance) (including meeting dates)	<p>Student Conduct Policy Committee - September 8 GFC Executive - September 12 Council on Student Affairs – September 15 GFC - September 19 Board Human Resources and Compensation Committee – September 25</p>

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	Board Learning, Research and Student Environment Committee - September 26 Board of Governors - October 14 (tabled) General Faculties Council - November 14 Board of Governors - date TBD
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**Strategic Alignment**

Alignment with <i>For the Public Good</i>	Sustain, Objective 19: Prioritize and sustain student, faculty, and staff health, wellness, and safety by delivering proactive, relevant, responsive and accessible services and initiatives.
Legislative Compliance and jurisdiction	The <i>Post Secondary Learning Act</i> (PSLA) authorizes the General Faculties Council (or delegate) to discipline students, subject to an appeal to the Board (or delegate). The University therefore has the authority to create student conduct and discipline policy and procedures which reflect our academic context, are based on best practices and meet the Ministers' requirements. The PSLA assigns authority over appeal processes to the Board of Governors.

Attachments (each to be numbered 1 - <->)

1. Draft Sexual and Gender-Based Violence Policy (revised)
2. Original GFC approval package - September 19, 2022

*Prepared by:* Logan Mardhani-Bayne, Strategic Development Manager, Office of the Provost and Vice-President (Academic)



Original Approval Date: June 23, 2017

Most Recent Approval:

Most Recent Editorial Date: ~~August 24~~, October 27, 2022

## Sexual and Gender-Based Violence Policy

<b>Office of Accountability:</b>	Provost and Vice-President (Academic) Vice-President (University Services and Finance)
<b>Office of Administrative Responsibility:</b>	Provost and Vice-President (Academic) Associate Vice-President, Human Resources, Health, Safety and Environment
<b>Approver:</b>	Board of Governors General Faculties Council
<b>Scope:</b>	Compliance with this University policy extends to all academic, support and excluded staff, postdoctoral fellows, and academic colleagues as outlined and defined in the <a href="#">Recruitment Policy (Appendix A and Appendix B: Definitions and Categories)</a> ; undergraduate and graduate students and post-graduate learners; emeriti; and members of the Board of Governors.

### Overview

**Sexual and gender-based violence (SGBV)** is a complex and serious problem in society and on university campuses. SGBV can affect individuals of all gender identities, gender expressions, and sexual orientations, as well as those of all ages, abilities, racial, cultural and economic backgrounds. The impact of SGBV is exacerbated for those at the **intersections** of multiple social locations for whom additional barriers exist, with disproportionately adverse impacts on queer and trans, Indigenous, Black, and people of colour. SGBV is just one form of violence used in colonization to marginalize Indigenous peoples up to the present day, as evidenced by Canada’s murdered and missing Indigenous women, girls, and Two Spirit people.

The University recognizes the harm caused by a culture in which common attitudes, norms and practices tolerate, normalize, trivialize, excuse or outright condone SGBV. Sometimes called “rape culture”, it is perpetuated in a variety of ways such as through images, television, music, jokes, advertising, jargon, words and figures of speech that normalize sexual coercion and shift blame onto those who have experienced sexual violence. Additionally, rigid conceptions of gender binary and gender roles in which masculine traits are privileged and feminine traits marginalized contribute to gender-based violence. Where a power imbalance is exploited to facilitate SGBV, for example, in a teaching or supervisory relationship or where one person has the ability to influence another’s participation or progress, barriers to disclosing are amplified. By creating barriers to disclosing, this culture conceals the problem and the information that institutions require in order to take the **corrective actions** needed to create and maintain a safe environment free from SGBV.

As an institution that exists in this context, the University takes seriously its responsibility to reduce SGBV by fostering through a **culture of consent**, gender inclusivity, anti-oppression and support, **and to respond to misconduct or conditions that allow, facilitate or give rise to SGBV.** In addition, the University will engage in various preventative activities, including communication, education, training and policy.

## Purpose

The purpose of this policy is to:

- set out the principles that guide the interpretation and application of this policy and its associated procedures;
- articulate the commitment to those affected by SGBV;
- set out the responsibilities of the institution, senior leaders, and the University community with respect to SGBV;
- provide clear information on privacy, disclosure and confidentiality;
- provide for the creation of guides to interpret and apply this policy;
- provide for periodic review of this policy and its related procedures; and
- provide definitions which apply to this policy and its related procedures.

# Policy

## 1. Guiding Principles

This policy and its associated procedures are guided by and will be interpreted and applied with reference to the following principles:

- a. The University is obligated to maintain a safe, vibrant and supportive **learning environment** (which includes all learning, research, work~~place~~ and community activities and spaces), ~~and to foster a community in which where~~ SGBV is not tolerated. In addition, the University recognizes and values:
  - i. the inherent dignity of all people, and their human right to be free from acts of SGBV;
  - ii. ~~the importance of fostering~~ a culture of consent, inclusion, thoughtful action and support through education, training, policy initiatives and communications;
  - iii. the need to identify and dismantle barriers to making a **disclosure** and/or **complaint** and to create an environment where disclosure is encouraged;
  - iv. the need for access to support and options for **disclosers** or anyone who has been affected by SGBV;
  - v. the legitimacy of options for accountability and/or healing outside of complaint processes, especially to address the differential impacts and harms complaint processes may have on those with intersecting social locations; and
  - vi. equity, **procedural fairness**, **trauma-informed** practice, and support for the **parties** to complaint processes related to SGBV.
- b. SGBV, including retaliation for disclosing an incident or incidents of SGBV, is prohibited and constitutes misconduct, and is subject to discipline.
- c. Disclosers will have access to support, regardless of where or when the SGBV occurred.
- d. Where the SGBV has affected the learning environment, disclosers will have access to a range of options to restore or establish a safe and vibrant learning environment.
- e. Where the University has jurisdiction, complaints will be addressed under the

applicable policies or procedures, including, for example, the *Student Misconduct Procedure*, the ~~PDFA, NASA, AASUA or GSA~~ relevant collective agreements, or other applicable employment contracts and agreements, as identified in the *Sexual and Gender-Based Violence Disclosures Procedure*. Where there is a conflict between this policy and an article in a collective agreement, the article in the collective agreement will take precedence.

## 2. Commitment to Those Who Have Been Subjected to Sexual and Gender-Based Violence

- a. SGBV can have serious and enduring negative effects on physical, mental, emotional and spiritual health and wellness. The University recognizes the possible effects of trauma on those who have been subjected to SGBV and supports the efforts of individuals to seek support and recover. Regardless of where or when it took place, any person who discloses and/or makes a complaint of SGBV can expect to be:
  - i. treated with respect, dignity and compassion;
  - ii. informed about on- and off-campus resources and supports, including culturally specific resources, where available;
  - iii. provided with access to non-judgmental and coordinated support to mitigate barriers to participation in the learning environment that occur as a result of SGBV;
  - iv. offered options for **modifications** to prevent further unwanted contact with the subject of the disclosure and reduce, to the extent possible, the negative impacts of the SGBV on the discloser's ability to access and participate in the learning environment;
  - v. informed of any available **non-disciplinary accountability options**;
  - vi. provided with information about available complaint processes should they wish to pursue a complaint within the University and/or to an external law enforcement agency;
  - vii. offered safety planning assistance; and
  - viii. provided with an anonymous or third-party ~~reporting~~ disclosing option as outlined on the Options, Services and Resources for Those who Have Been Subjected to SGBV web page.
- b. In order to remove barriers to disclosing or making a complaint under this



policy:

- i. Disclosers will not be subject to disciplinary action for their own prohibited alcohol or substance use connected with the incident(s) of SGBV.
  - ii. In any complaint process, investigators and decision-makers will protect complainants from irrelevant questions and/or assumptions, including those based on sexual history or expression.
- c. Subject to the limitations set out in sections 4 and 5 of this policy, disclosers will be considered the primary decision-makers in matters pertaining to themselves. As such, they can determine whether, to whom and what to disclose, choose from a range of options, decide whether to make a complaint within the University, and determine the extent of their participation in any University process. In addition, disclosers may choose to make a complaint to an external law enforcement agency, professional regulatory body, or engage any civil legal process.

### 3. Responsibilities

- a. The University recognizes its institutional responsibility to:
  - i. provide an effective policy and procedures to address and prevent SGBV;
  - ii. raise awareness about the policy and procedures and relevant support services on campus through institution-wide communications, education, and/or training opportunities;
  - iii. raise awareness of consent, gender inclusivity, SGBV prevention, and appropriate responses to disclosures of SGBV through institution-wide education;
  - iv. ensure equity, procedural fairness and trauma-informed practice for parties to a complaint, including timely resolution;
  - v. maintain safe, confidential and neutral mechanisms for individuals to disclose or make an SGBV complaint, or alert the University to incidents of or conditions conducive to SGBV;
  - vi. ensure the safety of the learning environment current and future students, staff and faculty by various preventative and responsive means, including the application of **interim measures** and other corrective action, where appropriate;
  - vii. provide coordinated and comprehensive supports for disclosers to reduce

barriers to participation in the learning environment that occur as a result of SGBV;

- viii. develop capacity and create space for voluntary accountability, restoration, and/or transformation for everyone involved wherever possible, both within and outside of complaints processes; and
  - ix. require that all individuals involved in administering, advising on, investigating or adjudicating SGBV complaints in any University complaint process have appropriate training as outlined on the *SGBV Education and Training* web page.
- b. All senior leaders, including the President, Vice-Presidents, Associate Vice-Presidents, Deans, Directors, Chairs, **Chiefs of Staff**, General Managers, and other officers of the University exercise administrative responsibility to implement this policy and the related procedures within their respective areas of responsibility, including by creating, supporting and maintaining a learning environment free from SGBV that promotes a culture of consent and inclusivity.
  - c. All of those subject to this Policy are responsible for fostering a culture of consent, respect, dignity and inclusivity; and for contributing to an environment in which individuals feel safe and supported in disclosing experiences of SGBV or making the University aware of conditions conducive to SGBV.
  - d. In addition to being harmful to individuals, SGBV poisons the workplace and constitutes a workplace hazard, which is subject to corrective action by the University. In accordance with the *Occupational Health and Safety Act of Alberta*, employees and volunteers are expected to alert a supervisor when such workplace hazards become apparent.

#### **4. Privacy and Personal Information**

- a. Any use and disclosure of personal information contemplated in this policy and the related procedures will be in accordance with the *Freedom of Information and Protection of Privacy Act* of Alberta.
- b. Privacy and the protection of personal information is essential for creating an environment where disclosers feel safe in disclosing their experience and seeking support. The University will protect the privacy of those involved in a disclosure or complaint of SGBV to the extent possible. Possible limits to the University's ability to do so include when:

- i. there is a risk of harm to self or others;
  - ii. as necessary to administer modifications, interim measures, other corrective actions, any complaint process or other option; or
  - iii. **reporting disclosure** or action is required or authorized by law, including but not limited to, under the *Occupational Health and Safety Act* of Alberta or the *Freedom of Information and Protection of Privacy Act* of Alberta.
- c. In such cases, the use or disclosure of personal information will be limited to that which is reasonably necessary and only to those with a need to know. The extent to which the University can maintain privacy around a disclosure will be determined on a case-by-case basis. The University will endeavour to inform all parties of these limits on its ability to protect personal information.

## 5. Confidentiality

- a. University employees will only use or disclose personal information that they learn solely as a result of receiving a disclosure or administering or participating in a University process related to SGBV in accordance with section 4 above. Contact the Information and Privacy Office for guidance about confidentiality and privacy.
- b. Parties and witnesses should not make public another person's personal information that they learn solely through any University process such as a disclosure, complaint, investigation, interim measures, modifications, corrective actions or non-disciplinary accountability options and should refrain from:
  - i. posting another person's personal information on social media or online;
  - ii. distributing confidential University documents in whole or in part;
  - iii. sharing another person's personal information with individuals outside of their immediate circle of support; and
  - iv. prompting or eliciting others to disclose another person's personal information.
- c. The University does not prohibit parties and witnesses from speaking about their own experiences, including, but not limited to seeking support for healing or rehabilitation. However, when disclosing another person's personal information within their immediate circle of support, the party or witness is also responsible for communicating the need to keep the information confidential.
- d. In any event, inappropriate disclosure of another person's personal information may affect the integrity of a University process, breach another person's privacy rights,

and/or bring about other legal risks for the individual who breaches another person's privacy rights.

## 6. Guides for Interpreting and Applying this Policy

- a. Additional information to guide the interpretation and application of this policy and the associated procedures is located on the Office of the Provost website.
- b. The **Sexual Violence Response Coordinator (SVRC)** is responsible for generating information to guide the interpretation and application of this policy and its associated procedures and keeping that information current and up to date. Links to specific guidance on the University's Sexual and Gender-Based Violence website include:
  - Interim Measures Examples and Supports
  - Options, Resources and Services for those who have Been Subjected to SGBV
  - SGBV Education and Training
  - SGBV Options Navigation Network Expectations and Training

## 7. Review

- a. This policy will be reviewed from time to time as necessary to ensure that it reflects best and promising practices and, at a minimum, it will be reviewed every five years.

## Definitions

Any definitions listed in the following table apply to this document only with no implied or intended institution-wide use.	
<b>Sexual and Gender-Based Violence (SGBV)</b>	Any sexual act or act of a sexual nature, or act targeting sexuality, whether physical or psychological, committed without consent, or other forms of abuse and control over another person, based on their gender, gender expression, gender identity or perceived gender. This includes, but is not limited to the following: <ol style="list-style-type: none"><li>a. Sexual Assault - Any form of sexual contact without</li></ol>

consent. This can include unwanted or forced kissing, fondling, vaginal or anal penetration or touching, or oral sexual contact.

- b. Sexual Harassment - may be broadly defined as unwelcome conduct or comment of a sexual nature which detrimentally affects the learning environment or otherwise leads to adverse consequences for the person who is the target of the harassment. It may consist of unwanted sexual attention, sexually oriented remarks or behaviours or the creation of a negative psychological and emotional environment based on gender, gender identity or sexual orientation. It may be an isolated act or repetitive conduct but cannot be trifling. Retaliation or threat of retaliation against an individual for rejecting a sexual solicitation or advance may also constitute sexual harassment.

The person(s) engaged in harassment need not have the intention to harass; it is the objective assessment of the circumstances that matters. How would a reasonable observer perceive the situation? A complainant need not expressly object to unwelcome conduct or comments, although any clear indication that the behaviour is unwanted will satisfy the test. A complainant's apparent passivity or failure to object overtly to sexual advances does not necessarily signal consent or welcomed behaviour, especially where a power imbalance exists between the individuals.

- c. Stalking - Repeated unwanted contact or communication directed at another person that causes reasonable fear or concern for that person's safety or the safety of others known to them. The harm may be physical, emotional, or psychological, or related to the personal safety, property, education, or employment of an individual.

Stalking can occur physically (such as watching and monitoring, pursuing or following, making threatening or obscene gestures, sending unsolicited gifts), electronically (for example, continuously commenting or contacting via social media, surveillance, letters, text

	<p>messages, emails or phone calls), directly and/or indirectly through a third party.</p> <ul style="list-style-type: none"><li>d. Indecent Exposure - Exposing one's genitals, buttocks and/or breasts or inducing another to expose their own genitals, buttocks and/or breasts in non-consensual circumstances, in person or electronically.</li><li>e. Voyeurism - Surreptitiously observing and/or recording another individual's full or partial nudity or sexual activity without the knowledge and consent of all parties involved.</li><li>f. Distribution of Intimate Images - Includes showing, sharing, distributing or streaming of images, video or audio recording of a sexual activity or full or partial nudity of oneself or others, without the consent of all the recipient(s) and the subject(s) of the image or recording, or the threat to do the same.</li><li>g. Nonconsensual condom removal – The act of intentionally removing a condom during sex without the consent of the partner.</li><li>h. Inducing intoxication, impairment or incapacity for the purpose of making another person vulnerable to non-consensual sexual activity.</li><li>i. Intimate partner violence (IPV), also known as dating violence or domestic violence - Abuse or aggression that occurs in a current or former romantic relationship. IPV can range from one episode of violence to chronic and repeated episodes over multiple years. IPV can include physical, sexual, and psychological abuse.</li><li>j. Retaliation - Retaliating against another person in relation to a disclosure or complaint of SGBV. Retaliation includes taking, attempting to take or threatening to take any adverse action, reprisal or retribution of any kind against anyone involved in any process described in the <i>Sexual and Gender Based Violence Disclosures Procedure</i>, including the person who made a disclosure or complaint, and anyone involved in an investigation or resolution of an</li></ul>
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	<p>allegation of SGBV, or friends or family members of those individuals.</p> <p>Retaliation can take many forms, including threats, intimidation, pressuring, harassment, continued abuse, violence or other forms or threats of harm to others, and be carried out in varying modes, including in person, via electronic communication or through third parties. Retaliation can also include adverse employment or educational actions taken or threatened against an individual because of participation in the reporting, investigating and/or resolution of an alleged violation of this policy, or any conduct that would discourage a person from participating.</p> <p>k. Other analogous conduct.</p>
<p><b>Intersectional(ity)/ intersection(s)</b></p>	<p>The acknowledgement that an individual can occupy multiple political and social locations, for example, along racial, gender, sexual, religious, ability, class and other lines, and that overlapping social locations can create a complex system of discrimination where individuals face compounded disadvantages.</p>
<p><b><u>Culture of consent</u></b></p>	<p><u>A culture in which consent cannot ever be implied or assumed.</u></p>
<p><b>Consent</b></p>	<p>Consent is a voluntary, ongoing, active and conscious agreement to engage in the sexual activity in question. Consent or a “yes” that is obtained through pressure, coercion, force, threats or by inducing intoxication, impairment or incapacity is not voluntary consent. Silence or ambiguity do not constitute consent.</p> <p>Additionally, there is no consent when:</p> <ul style="list-style-type: none"> <li>• it is given by someone else.</li> <li>• the person is unconscious, sleeping, highly intoxicated or high, or otherwise lacks the capacity to consent.</li> <li>• it was obtained through the abuse of a position of power, trust or authority.</li> </ul>

	<ul style="list-style-type: none"> <li>the person does not indicate “yes”, says “no” or implies “no” through words or behaviours.</li> <li>the person changes their mind and withdraws their consent.</li> </ul> <p>Consent cannot be implied (for example, by a current or past relationship, by consent to another activity, or by failure to say “no” or resist). In addition, consent cannot be given in advance of sexual activity that is expected to occur at a later time. It is the responsibility of the person wanting to engage in sexual activity to obtain clear consent from the other and to recognize that consent can be withdrawn at any time.</p>
<b>Learning environment</b>	<p>The learning environment is to be understood broadly to encompass all aspects of University life. It includes:</p> <ul style="list-style-type: none"> <li>physical and virtual spaces where University teaching, learning, work, research, residence, recreational and social activities take place;</li> <li>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.</li> </ul>
<b>Disclosure</b>	<p>Any verbal or written report or account by any person within the scope of this policy to a member of the University community that they have been subjected to SGBV, often for the purpose of seeking support or assistance.</p>
<b>Complaint</b>	<p>A type of disclosure made to a University official that alleges SGBV misconduct for the express purpose of initiating a formal University disciplinary process, including an investigation and decision on disciplinary action.</p>
<b>Discloser</b>	<p>Any person within the scope of this policy who discloses having been subjected to SGBV.</p>



<b>Procedural fairness</b>	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.
<b>Trauma-informed</b>	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.
<b>Party/Parties</b>	A complainant or respondent under this policy and the related procedures.
<b>Corrective action</b>	<u>Measures undertaken by the University to address and prevent SGBV and ensure the safety of the workplace, including</u> , but not limited to, <u>education, training, improved procedures, physical alterations and/or restoration of respectful workplaces</u> ; interim measures, modifications, University-initiated discipline for faculty, staff or students, and/or non-disciplinary accountability options.
<b>Modifications</b>	Adjustments the University may be able to make for any person within the scope of this policy who discloses having been subjected to SGBV. The modifications may relate to their academic program, employment, University residence or recreational or other programs and are designed to mitigate the impact of SGBV on their access to or participation in the learning environment.
<b>Non-disciplinary accountability options</b>	Collaborative facilitated processes to explore interpersonal or institutional accountability options outside of a complaint.  Typically requested by the discloser 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

	<p>appropriate practices, peacemaking circles, educational and other remedial activities.</p> <p>Institutional accountability options may include review of policy, procedure or practice to encourage disclosures and/or discourage SGBV; examination of factors contributing to or permitting SGBV in a specific department, unit or area; and initiatives or projects with the aim of creating or fostering a safe and supportive learning environment.</p>
<b>Interim measures</b>	<p>Non-disciplinary conditions or restrictions that the University may apply to a person within the scope of this policy alleged to have committed a violation under this policy. Such conditions may be applied in response to a disclosure or complaint.</p> <p>The purposes of interim measures are to ensure the discloser's safety or the safety of the University's learning environment, to remove barriers to the discloser'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>
<b>SVRC</b>	Sexual Violence Response Coordinator, or delegate.

## Related Links

### Supports and Resources

- [Association of Academic Staff, University of Alberta \(AASUA\) Wellness Supports](#)
- [Counselling and Clinical Services](#)
- [Employee Family Assistance Program \(EFAP\)](#)
- [First Peoples' House](#)
- [Homewood Pathfinder](#)
- [Faculty of Graduate Studies and Research](#)
- [Graduate Students' Association](#)
- [Graduate Student Assistance Program \(GSAP\)](#)

- [Health, Safety and the Environment \(HSE\) Management System](#)
- [Human Resources, Health, Safety and the Environment](#)
- [Interfaith Chaplains' Association](#)
- [International Student Services](#)
- [the Landing](#)
- [Non Academic Staff Association \(NASA\)](#)
- [Office of the Dean of Students](#)
- [Office of Safe Disclosure and Human Rights](#)
- [Office of the Student Ombuds](#)
- [Peer Support Centre](#)
- [Postdoctoral Fellows Assistance Program \(PDAP\)](#)
- [Postdoctoral Fellows Association](#)
- [Residence Services](#)
- [Sexual Assault Centre](#)
- [Sexual Assault Centre of Edmonton](#)
- [Students' Union](#)
- [University of Alberta Protective Services](#)

#### Information

- [Sexual Violence Information and Resources](#)
- [Sexual and Gender-Based Violence Prevention and Response](#)
- Options, Resources and Services for Those Who Have Been Subjected to SGBV
- Interim Measures Examples and Supports
- SGBV Education and Training
- SGBV Options Navigation Network Expectations and Training
- [Options for Survivors of Sexual Assault](#)
- [Responding to a Disclosure of Sexual Assault](#)

#### Complaint mechanisms

- [AASUA Common Agreement](#)
- [NASA Collective Agreement](#)
- [Postdoctoral Fellows Association Collective Agreement](#)
- Student Conduct Policy
- [HSE Management System Reporting Portal](#) (non-confidential)

#### Related policies

- [Access to Information and Protection of Privacy Policy](#)
- [Discrimination, Harassment and Duty to Accommodate Policy](#)
- [Ethical Conduct and Safe Disclosure Policy](#)
- [Helping Individuals At Risk Policy](#)
- [Information Technology Use and Management Policy](#)

- [Information Technology Use and Management Policy \(Appendix A\) Examples of Unacceptable Use \(UAPPOL\)](#)
- [Protocol for Urgent Cases of Violent, Threatening or Disruptive Behaviour](#)
- [Conflict Policy – Conflict of Interest and Commitment and Institutional Conflict](#)
- Hazard Identification, Assessment, and Control Procedure, [Appendix B - Violence Prevention](#)
- [Community Standards Policy for University Residences](#)

If any of the links are broken, please contact [uappol@ualberta.ca](mailto:uappol@ualberta.ca)

## Published Procedures of This Policy

- Sexual and Gender-Based Violence Disclosures Procedure

**Governance Executive Summary  
Action Item**

<b>Agenda Title</b>	<b>Revisions to Sexual Violence Policy and new Student Conduct Policy (to replace non-academic portions of the Code of Student Behaviour)</b>
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**Motion**

THAT the General Faculties Council recommend that the Board of Governors approve the amendments to the Sexual Violence Policy as identified in Attachment 1.

THAT the General Faculties Council recommend that the Board of Governors approve the Student Conduct Policy and associated Procedures identified in attachment 3,4,5 and 6.

THAT the General Faculties Council recommend that the Board of Governors approve the rescission and amendment of the sections of the Code of Student Behaviour identified in attachment 7.

**Item**

Action Requested	<input checked="" type="checkbox"/> Approval <input type="checkbox"/> Recommendation
Proposed by	Verna Yiu, Interim Provost and Vice-President (Academic)
Presenter(s)	Deborah Eerkes, Sexual Violence Response Coordinator

**Details**

Office of Administrative Responsibility	Provost and Vice-President (Academic)
The Purpose of the Proposal is <i>(please be specific)</i>	The proposal is before the committee to recommend approval of amendments to the Sexual Violence Policy, approval of the Student Conduct Policy and associated procedures, and rescission of associated portions of the Code of Student Behaviour. These proposals are brought forward in order to comply with the February 2022 communication from the Minister of Advanced Education.
Executive Summary <i>(outline the specific item – and remember your audience)</i>	<p>In February 2022, the Minister of Advanced Education, Demetrios Nicolaides, and Associate Minister of Status of Women, Whitney Issek, issued a joint letter to the governing bodies of all public post-secondary institutions in Alberta (hereafter, the “Ministers’ Letter”). The Ministers’ Letter requires that all public post-secondary institutions in Alberta update their sexual violence policies and procedures with specific attention to providing procedural fairness and implementing trauma-informed practices for both complainants and respondents to a complaint. Any requisite amendments must be submitted to the Minister no later than November 2022.</p> <p>In addition, the University of Alberta has committed to reviewing its sexual violence policy documents and related processes to ensure clarity, consistency, and effectiveness.</p> <p>The University’s <i>Sexual Violence Policy</i> suite incorporates the <i>Code of Student Behaviour</i> (“Code”) as the procedure to be used to adjudicate complaints of sexual violence when the individual under allegation is a student. Accordingly, the revisions required by the Ministers’ Letter</p>



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apply not only to the University's *Sexual Violence Policy* suite, but to the Code as well.

The current Code is a single and combined policy and procedure document that addresses academic misconduct, non-academic misconduct, sanctions and the procedures to be followed by relevant offices. To meet the requirements of the Ministers' Letter and to ensure its fairness, integrity and accessibility, it is proposed that the non-academic portions of the Code be replaced with a new Student Conduct policy suite using the UAPPOL format.

Accordingly, approval is requested for:

- Amendments to the Sexual Violence Policy (to be renamed the Sexual and Gender-Based Violence Policy, with corresponding renaming to be applied to the subordinate Procedure);
- Adoption of the new Student Conduct Policy and associated Procedures (Student Misconduct Complaint Procedure, Student Misconduct Ticket Procedure, Student Misconduct Appeal Procedure);
- Rescission and amendment of the corresponding sections of the Code.

Section 31 of the *Post-Secondary Learning Act* (PSLA) gives General Faculties Council (GFC) general supervision of student affairs including authority over student discipline. In addition to this authority over student discipline, the GFC may, under the PSLA, delegate its power to discipline students.

GFC's authority to discipline students is "subject to a right of appeal to the board". To fulfill this appeal function, the Board is identified as the approver for the *Student Misconduct Appeal Procedure* and the *Student Misconduct Ticket Procedure*. Upon approval, the Board delegates the functions in the appeal processes to the persons identified in the *Student Misconduct Appeal Procedure* and the *Student Misconduct Ticket Procedure*. Section 16 of the *Student Conduct Policy* describes the approval authorities for future amendments to the suite.

Draft materials were brought to relevant governance bodies for consultation in May 2022, and extensive consultation has been undertaken with affected stakeholders. In order to meet the timeline mandated in the Minister's letter, approval is required through the current governance cycle.

This proposal addresses the following institutional risks: Faculty and Staff; Leadership and Change; Relationship with Stakeholders; Reputation; Safety; Student Success.

As a second phase of work, on a longer approval timeline, it is proposed that academic portions of the Code be updated to reflect the new

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	College structure and align with current best practice, to be accompanied by an Academic Integrity Policy and associated procedures.
Supplementary Notes and context	<This section is for use by University Governance only to outline governance process.>

**Engagement and Routing** (Include meeting dates)

Consultation and Stakeholder Participation (parties who have seen the proposal and in what capacity)  <For information on the protocol see the <a href="#">Governance Resources section Student Participation Protocol</a> >	Policy development was led by a working group of content experts. Representation on this working group included the Office of the Provost, the Office of Student Judicial Affairs, General Counsel, and external legal counsel. The working group undertook an extensive consultation process. The following stakeholders were consulted: <ul style="list-style-type: none"> <li>• Association of Academic Staff of the University of Alberta (AASUA)</li> <li>• Non-Academic Staff Association (NASA)</li> <li>• Post-Doctoral Fellows Association (PDFA)</li> <li>• Graduate Students' Association (GSA)</li> <li>• Students' Union (SU)</li> <li>• Black Students' Association</li> <li>• Indigenous Students' Association</li> <li>• Augustana Students' Association</li> <li>• Sexual and Gender-Based Violence Advisory Council</li> <li>• Deans' Council</li> <li>• Vice-Provosts' Council</li> <li>• President's Executive Committee - Operations</li> <li>• Provost's Advisory Committee of Chairs</li> <li>• Internal units: Faculty Relations, Human Resource Services, Dean of Students, Sexual Assault Centre, Ombuds, Student Conduct, Wellness Supports, First Peoples House, Office of General Counsel, Colleges and Faculties, Residence Life, Office of Safe Disclosure and Human Rights, Helping Individuals at Risk</li> </ul>
Approval Route (Governance) (including meeting dates)	Student Conduct Policy Committee - September 8 GFC Executive - September 12 Council on Student Affairs – September 15 GFC - September 19 Board Human Resources and Compensation Committee – September 25 Board Learning, Research and Student Environment Committee - September 26 Board of Governors - October 14

**Strategic Alignment**

Alignment with <i>For the Public Good</i>	Sustain, Objective 19: Prioritize and sustain student, faculty, and staff health, wellness, and safety by delivering proactive, relevant, responsive and accessible services and initiatives.
Legislative Compliance and jurisdiction	The <i>Post Secondary Learning Act</i> (PSLA) authorizes the General Faculties Council (or delegate) to discipline students, subject to an appeal to the Board (or delegate). The University therefore has the authority to create student conduct and discipline policy and procedures which reflect our academic context, are based on best practices and



	meet the Ministers' requirements. The PSLA assigns authority over appeal processes to the Board of Governors.
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Attachments (each to be numbered 1 - <->)

1. Draft Sexual and Gender-Based Violence Policy (revised)
2. Draft Sexual and Gender-Based Violence Disclosure Procedure (revised)
3. Draft Student Conduct Policy (new)
4. Draft Student Misconduct Complaint Procedure (new)
5. Draft Student Misconduct Ticket Procedure (new)
6. Draft Student Misconduct Appeal Procedure (new)
7. Rescission of affected sections of the Code of Student Behaviour
8. [Case for Action](#)
9. [Summary of Policy Changes](#)
10. [Feedback submitted by Association of Academic Staff of the University of Alberta](#)
11. [Feedback submitted by Non-Academic Staff Association](#)
12. [Feedback submitted by Post-Doctoral Fellows Association](#)
13. [Feedback submitted by Graduate Students' Association](#)
14. [Copy of Ministers' Letter](#)
15. [Copy of Ministers' Checklist](#)
16. Preliminary content for online Sexual and Gender-Based Violence (SGBV) Application and Interpretation Guides:
  1. [SGBV Options Navigation Network](#)
  2. [SGBV Education and Training](#)
  3. [Options, Resources and Services for those who have been subjected to SGBV](#)
  4. [Interim Measures Examples and Supports](#)

*Prepared by:* Logan Mardhani-Bayne, Strategic Development Manager, Office of the Provost and Vice-President (Academic)





**Original Approval Date:** June 23, 2017

**Most Recent Approval:**

**Most Recent Editorial Date:** August 24, 2022

## **Sexual and Gender-Based Violence Policy**

<b>Office of Accountability:</b>	Provost and Vice-President (Academic) Vice-President (University Services and Finance)
<b>Office of Administrative Responsibility:</b>	Provost and Vice-President (Academic) Associate Vice-President, Human Resources, Health, Safety and Environment
<b>Approver:</b>	Board of Governors General Faculties Council
<b>Scope:</b>	Compliance with this University policy extends to all academic, support and excluded staff, postdoctoral fellows, and academic colleagues as outlined and defined in the <a href="#">Recruitment Policy (Appendix A and Appendix B: Definitions and Categories)</a> ; undergraduate and graduate students and post-graduate learners; emeriti; and members of the Board of Governors.

### **Overview**

**Sexual and gender-based violence (SGBV)** is a complex and serious problem in society and on university campuses. SGBV can affect individuals of all gender identities, gender expressions, and sexual orientations, as well as those of all ages, abilities, racial, cultural and economic backgrounds. The impact of SGBV is exacerbated for those at the **intersections** of multiple social locations for whom additional barriers exist, with disproportionately adverse impacts on queer and trans, Indigenous, Black, and people of colour. SGBV is just one form of violence used in colonization to marginalize Indigenous peoples up to the present day, as evidenced by Canada’s murdered and missing Indigenous women, girls, and Two Spirit people.

The University recognizes the harm caused by a culture in which common attitudes, norms and practices tolerate, normalize, trivialize, excuse or outright condone SGBV. Sometimes called “rape culture”, it is perpetuated in a variety of ways such as through images, television, music, jokes, advertising, jargon, words and figures of speech that normalize sexual coercion and shift blame onto those who have experienced sexual violence. Additionally, rigid conceptions of gender binary and gender roles in which masculine traits are privileged and feminine traits marginalized contribute to gender-based violence.

As an institution that exists in this context, the University takes seriously its responsibility to reduce SGBV by fostering a culture of **consent**, gender inclusivity, anti-oppression and support. In addition, the University will engage in various preventative activities, including communication, education, training and policy.

## Purpose

The purpose of this policy is to:

- set out the principles that guide the interpretation and application of this policy and its associated procedures;
- articulate the commitment to those affected by SGBV;
- set out the responsibilities of the institution, senior leaders, and the University community with respect to SGBV;
- provide clear information on privacy, disclosure and confidentiality;
- provide for the creation of guides to interpret and apply this policy;
- provide for periodic review of this policy and its related procedures; and
- provide definitions which apply to this policy and its related procedures.

## Policy

### 1. Guiding Principles

This policy and its associated procedures are guided by and will be interpreted and applied with reference to the following principles:

- a. The University is obligated to maintain a safe, vibrant and supportive **learning environment** (which includes all learning, research, work and community activities and spaces), and to foster a community in which SGBV is not tolerated. In addition,

- the University recognizes and values:
- i. the inherent dignity of all people;
  - ii. the importance of fostering a culture of consent, inclusion, thoughtful action and support through education, training, policy initiatives and communications;
  - iii. the need to identify and dismantle barriers to making a **disclosure** and/or **complaint**;
  - iv. the need for access to support and options for **disclosers** or anyone who has been affected by SGBV;
  - v. the legitimacy of options for accountability and/or healing outside of complaint processes, especially to address the differential impacts and harms complaint processes may have on those with intersecting social locations; and
  - vi. equity, **procedural fairness**, **trauma-informed** practice, and support for the **parties** to complaint processes related to SGBV.
- b. SGBV is prohibited and constitutes misconduct and is subject to the disciplinary processes laid out in the *Sexual and Gender-Based Violence Disclosure Procedure*.
  - c. Disclosers will have access to support, regardless of where or when the SGBV occurred.
  - d. Where the SGBV has affected the learning environment, disclosers will have access to a range of options to restore or establish a safe and vibrant learning environment.
  - e. Where the University has jurisdiction, complaints will be addressed under the applicable policies or procedures, including, for example, the *Student Misconduct Procedure*, the PDFFA, NASA, AASUA or GSA collective agreements, or other applicable employment contracts and agreements, as identified in the *Sexual and Gender-Based Violence Disclosures Procedure*. Where there is a conflict between this policy and an article in a collective agreement, the article in the collective agreement will take precedence.

## 2. Commitment to Those Who Have Been Subjected to Sexual and Gender-Based Violence

- a. SGBV can have serious and enduring negative effects on physical, mental, emotional and spiritual health and wellness. The University recognizes the possible effects of trauma on those who have been subjected to SGBV and supports the efforts of individuals to seek support and recover. Regardless of where or when it took place, any person who discloses and/or makes a complaint of SGBV can expect to be:
  - i. treated with respect, dignity and compassion;
  - ii. informed about on- and off-campus resources and supports, including culturally specific resources, where available;
  - iii. provided with access to non-judgmental and coordinated support to mitigate barriers to participation in the learning environment that occur as a result of SGBV;
  - iv. offered options for **modifications** to prevent further unwanted contact with the subject of the disclosure and reduce, to the extent possible, the negative impacts of the SGBV on the discloser's ability to access and participate in the learning environment;
  - v. informed of any available **non-disciplinary accountability options**;
  - vi. provided with information about available complaint processes should they wish to pursue a complaint within the University and/or to an external law enforcement agency;
  - vii. offered safety planning assistance; and
  - viii. provided with an anonymous or third-party reporting option as outlined on the Options, Services and Resources for Those who have Been Subjected to SGBV web page.
- b. In order to remove barriers to disclosing or making a complaint under this policy:
  - i. Disclosers will not be subject to disciplinary action for their own prohibited alcohol or substance use connected with the incident(s) of SGBV.
  - ii. In any complaint process, investigators and decision-makers will

protect complainants from irrelevant questions and/or assumptions, including those based on sexual history or expression.

- c. Subject to the limitations set out in sections 4 and 5 of this policy, disclosers will be considered the primary decision-makers in matters pertaining to themselves. As such, they can determine whether, to whom and what to disclose, choose from a range of options, decide whether to make a complaint within the University, and determine the extent of their participation in any University process. In addition, disclosers may choose to make a complaint to an external law enforcement agency, professional regulatory body, or engage any civil legal process.

### 3. Responsibilities

- a. The University recognizes its institutional responsibility to:
  - i. provide an effective policy and procedures to address and prevent SGBV;
  - ii. raise awareness about the policy and procedures and relevant support services on campus through institution-wide communications, education, and/or training opportunities;
  - iii. raise awareness of consent, gender inclusivity, SGBV prevention, and appropriate responses to disclosures of SGBV through institution-wide education;
  - iv. ensure equity, procedural fairness and trauma-informed practice for parties to a complaint, including timely resolution;
  - v. maintain safe, confidential and neutral mechanisms for individuals to disclose or make an SGBV complaint;
  - vi. ensure the safety of the learning environment by various preventative and responsive means, including the application of **interim measures** and other **corrective action**, where appropriate;
  - vii. provide coordinated and comprehensive supports for disclosers to reduce barriers to participation in the learning environment that occur as a result of SGBV;
  - viii. develop capacity and create space for voluntary accountability, restoration, and/or transformation for everyone involved wherever possible, both within and outside of complaints processes; and
  - ix. require that all individuals involved in administering, advising on, investigating or adjudicating SGBV complaints in any University

complaint process have appropriate training as outlined on the *SGBV Education and Training* web page.

- b. All senior leaders, including the President, Vice-Presidents, Associate Vice-Presidents, Deans, Directors, Chairs, Chiefs of Staff, General Managers, and other officers of the University exercise administrative responsibility to implement this policy and the related procedures within their respective areas of responsibility, including by creating, supporting and maintaining a learning environment free from SGBV that promotes a culture of consent and inclusivity.
- c. All of those subject to this Policy are responsible for fostering respect and dignity for each other by encouraging a culture of consent and inclusivity; and for contributing to an environment in which individuals feel safe and supported in disclosing experiences of SGBV.

#### **4. Privacy and Personal Information**

- a. Any use and disclosure of personal information contemplated in this policy and the related procedures will be in accordance with the *Freedom of Information and Protection of Privacy Act* of Alberta.
- b. Privacy and the protection of personal information is essential for creating an environment where disclosers feel safe in disclosing their experience and seeking support. The University will protect the privacy of those involved in a disclosure or complaint of SGBV to the extent possible. Possible limits to the University's ability to do so include when:
  - i. there is a risk of harm to self or others;
  - ii. as necessary to administer modifications, interim measures, other corrective actions, any complaint process or other option; or
  - iii. reporting or action is required or authorized by law, including but not limited to, under the *Occupational Health and Safety Act* of Alberta or the *Freedom of Information and Protection of Privacy Act* of Alberta.
- c. In such cases, the use or disclosure of personal information will be limited to that which is reasonably necessary and only to those with a need to know. The extent to which the University can maintain privacy around a disclosure will be determined on a case-by-case basis. The University will endeavour to inform all parties of these limits on its ability to protect personal information.

## 5. Confidentiality

- a. University employees will only use or disclose personal information that they learn solely as a result of receiving a disclosure or administering or participating in a University process related to SGBV in accordance with section 4 above. Contact the Information and Privacy Office for guidance about confidentiality and privacy.
- b. Parties and witnesses should not make public another person's personal information that they learn solely through any University process such as a disclosure, complaint, investigation, interim measures, modifications, corrective actions or non-disciplinary accountability options and should refrain from:
  - i. posting another person's personal information on social media or online;
  - ii. distributing confidential University documents in whole or in part;
  - iii. sharing another person's personal information with individuals outside of their immediate circle of support; and
  - iv. prompting or eliciting others to disclose another person's personal information.
- c. The University does not prohibit parties and witnesses from speaking about their own experiences, including, but not limited to seeking support for healing or rehabilitation. However, when disclosing another person's personal information within their immediate circle of support, the party or witness is also responsible for communicating the need to keep the information confidential.
- d. In any event, inappropriate disclosure of another person's personal information may affect the integrity of a University process, breach another person's privacy rights, and/or bring about other legal risks for the individual who breaches another person's privacy rights.

## 6. Guides for Interpreting and Applying this Policy

- a. Additional information to guide the interpretation and application of this policy and the associated procedures is located on the Office of the Provost website.
- b. The **Sexual Violence Response Coordinator (SVRC)** is responsible for generating information to guide the interpretation and application of this policy and its associated procedures and keeping that information current and up to date. Links to specific guidance on the University's Sexual and Gender-Based Violence website include:

- Interim Measures Examples and Supports
- Options, Resources and Services for those who have Been Subjected to SGBV
- SGBV Education and Training
- SGBV Options Navigation Network Expectations and Training

## 7. Review

- This policy will be reviewed from time to time as necessary to ensure that it reflects best and promising practices and, at a minimum, it will be reviewed every five years.

## Definitions

Any definitions listed in the following table apply to this document only with no implied or intended institution-wide use.	
<b>Sexual and Gender-Based Violence (SGBV)</b>	<p>Any sexual act or act of a sexual nature, or act targeting sexuality, whether physical or psychological, committed without consent, or other forms of abuse and control over another person, based on their gender, gender expression, gender identity or perceived gender. This includes, but is not limited to the following:</p> <ol style="list-style-type: none"> <li>Sexual Assault - Any form of sexual contact without consent. This can include unwanted or forced kissing, fondling, vaginal or anal penetration or touching, or oral sexual contact.</li> <li>Sexual Harassment - may be broadly defined as unwelcome conduct or comment of a sexual nature which detrimentally affects the learning environment or otherwise leads to adverse consequences for the person who is the target of the harassment. It may consist of unwanted sexual attention, sexually oriented remarks or behaviours or the creation of a negative psychological and emotional environment based on gender, gender identity or sexual orientation. It may be an isolated act or repetitive conduct</li> </ol>



but cannot be trifling. Retaliation or threat of retaliation against an individual for rejecting a sexual solicitation or advance may also constitute sexual harassment.

The person(s) engaged in harassment need not have the intention to harass; it is the objective assessment of the circumstances that matters. How would a reasonable observer perceive the situation? A complainant need not expressly object to unwelcome conduct or comments, although any clear indication that the behaviour is unwanted will satisfy the test. A complainant's apparent passivity or failure to object overtly to sexual advances does not necessarily signal consent or welcomed behaviour, especially where a power imbalance exists between the individuals.

- c. Stalking - Repeated unwanted contact or communication directed at another person that causes reasonable fear or concern for that person's safety or the safety of others known to them. The harm may be physical, emotional, or psychological, or related to the personal safety, property, education, or employment of an individual.

Stalking can occur physically (such as watching and monitoring, pursuing or following, making threatening or obscene gestures, sending unsolicited gifts), electronically (for example, continuously commenting or contacting via social media, surveillance, letters, text messages, emails or phone calls), directly and/or indirectly through a third party.

- d. Indecent Exposure - Exposing one's genitals, buttocks and/or breasts or inducing another to expose their own genitals, buttocks and/or breasts in non-consensual circumstances, in person or electronically.
- e. Voyeurism - Surreptitiously observing and/or recording another individual's full or partial nudity or sexual activity without the knowledge and consent of all parties involved.
- f. Distribution of Intimate Images - Includes showing,

	<p>sharing, distributing or streaming of images, video or audio recording of a sexual activity or full or partial nudity of oneself or others, without the consent of all the recipient(s) and the subject(s) of the image or recording, or the threat to do the same.</p> <ul style="list-style-type: none"><li data-bbox="646 457 1414 569">g. Nonconsensual condom removal – The act of intentionally removing a condom during sex without the consent of the partner.</li><li data-bbox="646 621 1393 732">h. Inducing intoxication, impairment or incapacity for the purpose of making another person vulnerable to non-consensual sexual activity.</li><li data-bbox="646 785 1430 1010">i. Intimate partner violence (IPV), also known as dating violence or domestic violence - Abuse or aggression that occurs in a current or former romantic relationship. IPV can range from one episode of violence to chronic and repeated episodes over multiple years. IPV can include physical, sexual, and psychological abuse.</li><li data-bbox="646 1062 1446 1455">j. Retaliation - Retaliating against another person in relation to a disclosure or complaint of SGBV. Retaliation includes taking, attempting to take or threatening to take any adverse action, reprisal or retribution of any kind against anyone involved in any process described in the <i>Sexual and Gender Based Violence Disclosures Procedure</i>, including the person who made a disclosure or complaint, and anyone involved in an investigation or resolution of an allegation of SGBV, or friends or family members of those individuals.</li></ul> <p>Retaliation can take many forms, including threats, intimidation, pressuring, harassment, continued abuse, violence or other forms or threats of harm to others, and be carried out in varying modes, including in person, via electronic communication or through third parties. Retaliation can also include adverse employment or educational actions taken or threatened against an individual because of participation in the reporting, investigating and/or resolution of an alleged violation of</p>
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	<p>this policy, or any conduct that would discourage a person from participating.</p> <p>k. Other analogous conduct.</p>
<p><b>Intersectional(ity)/ intersection(s)</b></p>	<p>The acknowledgement that an individual can occupy multiple political and social locations, for example, along racial, gender, sexual, religious, ability, class and other lines, and that overlapping social locations can create a complex system of discrimination where individuals face compounded disadvantages.</p>
<p><b>Consent</b></p>	<p>Consent is a voluntary, ongoing, active and conscious agreement to engage in the sexual activity in question. Consent or a “yes” that is obtained through pressure, coercion, force, threats or by inducing intoxication, impairment or incapacity is not voluntary consent. Silence or ambiguity do not constitute consent.</p> <p>Additionally, there is no consent when:</p> <ul style="list-style-type: none"> <li>• it is given by someone else.</li> <li>• the person is unconscious, sleeping, highly intoxicated or high, or otherwise lacks the capacity to consent.</li> <li>• it was obtained through the abuse of a position of power, trust or authority.</li> <li>• the person does not indicate “yes”, says “no” or implies “no” through words or behaviours.</li> <li>• the person changes their mind and withdraws their consent.</li> </ul> <p>Consent cannot be implied (for example, by a current or past relationship, by consent to another activity, or by failure to say “no” or resist). In addition, consent cannot be given in advance of sexual activity that is expected to occur at a later time. It is the responsibility of the person wanting to engage in sexual activity to obtain clear consent from the other and to recognize that consent can be withdrawn at any time.</p>

<b>Learning environment</b>	<p>The learning environment is to be understood broadly to encompass all aspects of University life. It includes:</p> <ul style="list-style-type: none"> <li>• physical and virtual spaces where University teaching, learning, work, research, residence, recreational and social activities take place;</li> <li>• 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.</li> </ul>
<b>Disclosure</b>	<p>Any verbal or written report or account by any person within the scope of this policy to a member of the University community that they have been subjected to SGBV, often for the purpose of seeking support or assistance.</p>
<b>Complaint</b>	<p>A type of disclosure made to a University official that alleges SGBV misconduct for the express purpose of initiating a formal University disciplinary process, including an investigation and decision on disciplinary action.</p>
<b>Discloser</b>	<p>Any person within the scope of this policy who discloses having been subjected to SGBV.</p>
<b>Procedural fairness</b>	<p>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.</p>
<b>Trauma-informed</b>	<p>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.</p>

<b>Party/Parties</b>	A complainant or respondent under this policy and the related procedures.
<b>Modifications</b>	Adjustments the University may be able to make for any person within the scope of this policy who discloses having been subjected to SGBV. The modifications may relate to their academic program, employment, University residence or recreational or other programs and are designed to mitigate the impact of SGBV on their access to or participation in the learning environment.
<b>Non-disciplinary accountability options</b>	<p>Collaborative facilitated processes to explore interpersonal or institutional accountability options outside of a complaint.</p> <p>Typically requested by the discloser 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.</p> <p>Institutional accountability options may include review of policy, procedure or practice to encourage disclosures and/or discourage SGBV; examination of factors contributing to or permitting SGBV in a specific department, unit or area; and initiatives or projects with the aim of creating or fostering a safe and supportive learning environment.</p>
<b>Interim measures</b>	<p>Non-disciplinary conditions or restrictions that the University may apply to a person within the scope of this policy alleged to have committed a violation under this policy. Such conditions may be applied in response to a disclosure or complaint.</p> <p>The purposes of interim measures are to ensure the discloser's safety or the safety of the University's learning environment, to remove barriers to the discloser'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>

	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.
<b>Corrective action</b>	Corrective action includes, but is not limited to, interim measures, modifications, formal discipline for faculty, staff or students, and/or non-disciplinary accountability options.
<b>SVRC</b>	Sexual Violence Response Coordinator, or delegate.

## Related Links

### Supports and Resources

- [Association of Academic Staff, University of Alberta \(AASUA\)](#)
- [Wellness Supports](#)
- [Counselling and Clinical Services](#)
- [Employee Family Assistance Program \(EFAP\)](#)
- [First Peoples' House](#)
- [Homewood Pathfinder](#)
- [Faculty of Graduate Studies and Research](#)
- [Graduate Students' Association](#)
- [Graduate Student Assistance Program \(GSAP\)](#)
- [Health, Safety and the Environment \(HSE\) Management System](#)
- [Human Resources, Health, Safety and the Environment](#)
- [Interfaith Chaplains' Association](#)
- [International Student Services](#)
- [the Landing](#)
- [Non Academic Staff Association \(NASA\)](#)
- [Office of the Dean of Students](#)
- [Office of Safe Disclosure and Human Rights](#)
- [Office of the Student Ombuds](#)
- [Peer Support Centre](#)
- [Postdoctoral Fellows Assistance Program \(PDAP\)](#)
- [Postdoctoral Fellows Association](#)
- [Residence Services](#)
- [Sexual Assault Centre](#)
- [Sexual Assault Centre](#) of Edmonton
- [Students' Union](#)

- [University of Alberta Protective Services](#)

#### Information

- [Sexual Violence Information and Resources](#)
- [Sexual and Gender-Based Violence Prevention and Response](#)
- Options, Resources and Services for Those Who Have Been Subjected to SGBV
- Interim Measures Examples and Supports
- SGBV Education and Training
- SGBV Options Navigation Network Expectations and Training
- [Options for Survivors of Sexual Assault](#)
- [Responding to a Disclosure of Sexual Assault](#)

#### Complaint mechanisms

- [AASUA Common Agreement](#)
- [NASA Collective Agreement](#)
- [Postdoctoral Fellows Association Collective Agreement](#)
- Student Conduct Policy
- [HSE Management System Reporting Portal](#) (non-confidential)

#### Related policies

- [Access to Information and Protection of Privacy Policy](#)
- [Discrimination, Harassment and Duty to Accommodate Policy](#)
- [Ethical Conduct and Safe Disclosure Policy](#)
- [Helping Individuals At Risk Policy](#)
- [Information Technology Use and Management Policy](#)
- [Information Technology Use and Management Policy \(Appendix A\) Examples of Unacceptable Use \(UAPPOL\)](#)
- [Protocol for Urgent Cases of Violent, Threatening or Disruptive Behaviour](#)
- [Conflict Policy – Conflict of Interest and Commitment and Institutional Conflict](#)
- Hazard Identification, Assessment, and Control Procedure, [Appendix B - Violence Prevention](#)
- [Community Standards Policy for University Residences](#)

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## Published Procedures of This Policy

- Sexual and Gender-Based Violence Disclosures Procedure



Original Approval Date: June 23, 2017

Most Recent Approval:

Most Recent Editorial Date: August 26, 2022

Parent Policy: Sexual and Gender-Based Violence Policy

## Sexual and Gender-Based Violence Disclosures Procedure

<b>Office of Administrative Responsibility:</b>	Provost and Vice-President (Academic) Associate Vice-President, Human Resources, Health, Safety and Environment
<b>Approver:</b>	Provost & Vice-President (Academic) Vice-President (University Services and Finance)
<b>Scope:</b>	Compliance with this University policy extends to all academic, support and excluded staff, postdoctoral fellows, and academic colleagues as outlined and defined in the <a href="#">Recruitment Policy (Appendix A and Appendix B: Definitions and Categories)</a> ; undergraduate and graduate students and postgraduate learners; emeriti; and members of the Board of Governors.

### Overview

The University is committed to responding to and reducing **sexual and gender-based violence (SGBV)** and addressing its effects by providing:

- supports and resources to **disclosers** and to any other member of the University community who has been affected by SGBV;
- a range of options for disclosers who choose not to make a **complaint**;
- thoughtful and transparent **corrective action**, including **modifications, interim measures** and **non-disciplinary accountability options** to ensure the safety of the **learning environment**;



- processes to fairly decide complaints of SGBV; and
- education and training to the University community about SGBV and, in particular, mandatory training for those investigating and deciding complaints of SGBV and those who advise them.

## Purpose

The purpose of this procedure is to:

- provide guidance to members of the University community on receiving and responding to **disclosures** of SGBV;
- establish the **SGBV Options Navigation Network (ONN)**;
- outline supports, modifications, protections, and options the University may be able to offer to disclosers;
- provide authority for the application of interim measures to ensure the safety of the learning environment;
- identify the procedures through which complaints of SGBV will be addressed and, where warranted, discipline imposed;
- set out the rights of the parties to a complaint; and
- address education and training in, and awareness of, SGBV for the University community generally and, in particular, require training for those investigating and deciding complaints of SGBV and those who advise them.

## Procedure

### 1. Guidance on Receiving and Responding to Disclosures

The University's response to a disclosure will, to the extent possible, be guided by the needs of the discloser and their right to a safe and supportive learning environment. In this regard, a discloser can ask the University to provide supports and resources; facilitate academic, residential, recreation and/or work modifications; consider the application of interim measures; request a voluntary non-disciplinary option; and initiate an investigation of a complaint in accordance with the procedures in applicable agreements or policies.

### 2. SGBV Options Navigation Network

- a. The SGBV Options Navigation Network (ONN) is made up of University units with enhanced training to act as system navigators for those who have been subjected to SGBV and are seeking information on their options.

- b. Members of the University community should direct disclosures to an ONN unit to be advised of available options. Designated ONN units are listed on the *SGBV Options Navigation Network* web page.

### **3. Modifications**

- a. Modifications are adjustments to the learning environment made for a discloser in order to reduce, to the extent possible, the negative impacts of the SGBV on their ability to access and participate in the learning environment.
- b. Disclosers can request modifications from:
  - i. any university employee where it is within their area of authority;
  - ii. the Sexual Assault Centre;
  - iii. in the case of students, the Vice-Provost and Dean of Students, or delegate;
  - iv. in the case of faculty, the Provost and Vice-President (Academic), or delegate;
  - v. in the case of staff, the Vice-President (University Services and Finance), or delegate;
  - vi. in the case of postdoctoral fellows, the Provost and Vice-President (Academic), or delegate; or
  - vii. in the case of academic colleagues, the Dean of the Faculty in which they were appointed, or delegate.

### **4. Interim Measures**

- a. Interim measures are non-disciplinary conditions or restrictions that may be applied to a person under SGBV allegation. The University may apply interim measures in response to either a disclosure or a complaint where it receives reasonably credible information that:
  - i. would, if proven, constitute SGBV; and
  - ii. with regard to all of the circumstances, establishes there may be a risk to an individual, the learning environment or the integrity of any potential investigation.
- b. The purposes of such interim measures are to establish or restore a safe learning environment for the discloser and/or the community, discourage or prevent further SGBV (including retaliation), protect confidentiality, minimize disruption to the learning environment and/or preserve the University's ability to conduct a thorough investigation.

- c. 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 discloser, and their right to a safe and supportive learning environment;
  - ii. the nature and/or impact of the alleged conduct;
  - iii. reasonably credible information about patterns of conduct or previous history of SGBV or other misconduct;
  - iv. the potential impact of the measures on the person(s) under SGBV allegation, including on their academic program and/or employment;
  - v. the potential impact of the measures on the learning environment;
  - vi. provisions or requirements set out in any relevant university policy or collective agreement; and
  - vii. any other relevant consideration.
- d. Examples of interim measures can be found in the University's *Interim Measures Examples and Supports* web page.
- e. The decision to apply interim measures will be made by:
  - i. in the case of students, the Vice-Provost and Dean of Students, or delegate;
  - ii. in the case of faculty, the Provost and Vice-President (Academic) or delegate;
  - iii. in the case of staff, the Vice-President (University Services and Finance), or delegate;
  - iv. in the case of postdoctoral fellows the Provost and Vice-President (Academic) or delegate; or
  - v. in the case of academic colleagues, the Dean of the Faculty in which they were appointed, or delegate.

- f. Decision-makers may consult as needed in determining whether to apply interim measures and the nature of those measures.
- g. In all cases, the decision to apply interim measures must be provided in writing to the individual to whom they are applied and include:
  - i. a description of the alleged conduct;
  - ii. the 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 discloser and any individual, department or unit only as necessary to administer the interim measures.
- i. The person(s) to whom interim measures are applied may request a reconsideration from the decision maker after sixty (60) days or such earlier time as agreed to by the decision maker, or at any time based on a change in circumstances or new information.
- j. At any time, the decision-maker 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 decision-maker must review any existing interim measures, at a minimum, every four months and communicate any changes as a result of that review with reasons to the discloser, the person to whom the interim measures are applied and any other person as needed to administer the measures.

## **5. Procedures to Address Complaints**

- a. A complaint is the only option that can result in discipline or sanctions against the person under SGBV allegation. The procedure to address complaints of SGBV is determined by the status of the person under SGBV allegation, for example, whether they are a student, union member, or excluded employee.
- b. In all cases, use of the procedures at the University does not preclude a report to the appropriate law enforcement agency, professional governing body, or

pursuing any civil or other remedy available at law.

### **Students**

- c. Complaints of SGBV against students will be addressed using procedures outlined in one or more of the following documents. When the **respondent** is:
- i. a student, the *Student Misconduct Complaint Procedure*;
  - ii. a student living in a University Residence, the breach of residence agreement process; and/or
  - iii. a student and the alleged conduct occurred in a practicum placement, the *Practicum Intervention Policy*.

### **Employees, academically employed graduate students, postdoctoral fellows, academic colleagues**

- d. Complaints of SGBV against employees, academically employed graduate students (AEGS), postdoctoral fellows (PDF) or academic colleagues will be resolved in accordance with the procedures set out in their respective collective agreement, employment agreement or appointment. When the respondent is:
- i. a member of the Non Academic Staff Association (NASA), the processes outlined in the collective agreement between the University and NASA;
  - ii. a member of the Association of Academic Staff, University of Alberta (AASUA), the processes outlined in the applicable collective agreement between the University and AASUA;
  - iii. an employee, AEGS, PDF or academic colleague who is not subject to the above processes or, where no procedure exists or is specified in the collective agreement, employment agreement or appointment, the procedure will be determined on a case-by-case basis, ensuring that the parties to a complaint have the right to:
    1. an impartial and unbiased decision-maker;
    2. reasonable disclosure of the allegations in the complaint;
    3. an opportunity to respond to the allegations in the complaint;
    4. an opportunity to respond to or explain any evidence that does not support their account of events;

5. be accompanied by an **advisor** or, in the case of employees subject to a collective agreement, a union representative; and
6. have their case decided within a reasonable time. Where a procedure does not specify time limits, and depending on the complexity of the complaint, the University will endeavour to complete an investigation normally within four months.

### **Additional and external procedures**

- e. Individuals who occupy multiple roles in the University may be subject to more than one of the above procedures and may, therefore, be subject to several procedures concurrently. Wherever possible, the parties will not be required to provide multiple statements.
- f. In addition to the procedures outlined above for students, employees, AEGS, PDF and academic colleagues, the University may also address a complaint or disclosure concurrently through additional means including, but not limited to:
  - i. the *Protocol for Urgent Cases of Disruptive, Threatening or Violent Conduct*;
  - ii. the *Trespass to Premises Act* of Alberta;
  - iii. the *Petty Trespass Act* of Alberta;
  - iv. a report or complaint to law enforcement, and/or
  - v. a report or complaint to a professional governing body.
- g. When the respondent is not affiliated with the University and/or not subject to the *Sexual and Gender-Based Violence Policy*, the University may address the matter through means including, but not limited to, the *Trespass to Premises Act* of Alberta, the *Petty Trespass Act* of Alberta or reports or complaints to the appropriate law enforcement agency or professional governing body.
- h. Where an incident constitutes a health and safety violation, a report to Health, Safety and Environment may also be required. Because these reports are not confidential, any report in the HSE Reporting Portal should include only cursory information and should not identify any individuals.
- i. University SGBV complaint processes are independent of any criminal, civil, regulatory or other proceedings. Any aspect of a SGBV complaint process may occur concurrently with, prior to, or following any criminal, civil, regulatory or other proceeding. In this regard:

- i. The University is responsible only for determining whether a person subject to this policy has violated this policy and is not responsible for determining violations in any criminal, civil, regulatory or other proceeding.
- ii. Subject to the provisions of any collective agreement, where an incident is also being addressed by another body or authority, the University may, in its sole discretion, proceed with or suspend an investigation or any aspect of the complaint process under this policy or its associated procedures.

## 6. Rights for Parties to a Complaint Process

- a. The SGBV complaint processes are guided by the principles of **procedural fairness** and **trauma-informed** practices to ensure that the University's processes do not add to or compound the harm sought to be addressed. The process and outcome(s) of a SGBV complaint can have severe consequences and can itself be stressful, traumatizing and harmful for both **complainants** and **respondents**. Accordingly, the complaint process must be conducted with due regard to its effects on both **parties** and in a procedurally fair manner. Investigators and decision-makers will use trauma-informed practices and be mindful to conduct their functions in a way that reduces, to the extent possible, additional harm for both parties to the complaint. As one example, investigators and decision-makers will protect complainants from irrelevant questions or assumptions, including those based on sexual history or expression.
- b. Subject to the provisions of any applicable collective agreement, employment agreement or appointment, the parties will have the right to:
  - i. be accompanied by an advisor and/or support person or, in the case of an employee subject to a collective agreement, a union representative, throughout their participation in any investigation, **hearing** or other aspect of the complaint process, and to be advised of these rights;
  - ii. be informed of, make and respond to procedural requests;
  - iii. at a hearing, make oral or written representations on their own behalf, through their advisor, support person or other appropriate person, regarding impact and sanction, without a face-to-face encounter; and
  - iv. receive written reasons for the decision.

## 7. Mandatory Training

- a. In addition to training on the application and interpretation of this Policy suite and other role-specific training, investigators, those applying interim measures, and/or deciding complaints of SGBV, and anyone advising them, are required to complete appropriate training in:
  - i. the dynamics and myths of SGBV;
  - ii. trauma-informed practice;
  - iii. procedural fairness; and
  - iv. gender inclusion and anti-oppression.
- b. Information on specific mandatory training is listed in the University's SGBV Education and Training web page.
- c. All staff in designated units of the Options Navigation Network (ONN) are required to complete training as specified on the SGBV Education and Training web page.

## 8. Education and Prevention

- a. Education and awareness are key to preventing SGBV. All community members subject to the *Sexual and Gender-Based Violence Policy* are encouraged to take advantage of essential learning opportunities related to SGBV. See the SGBV Education and Training web page for more information.
- b. The University will provide education and awareness campaigns for the entire University community on SGBV including, but not limited to, policy awareness, **consent**, anti-oppression and responding to disclosures.
- c. As other relevant training is developed, it will be offered to students and employees, such as, for example, training in bystander intervention and enhanced disclosure training.
- d. For further information about:
  - i. SGBV, see the Sexual Violence information website;
  - ii. receiving and managing a disclosure of SGBV, see the Responding to a Disclosure of Sexual Assault web page;
  - iii. options, support services and resources for persons affected by SGBV, see the Options, Services and Resources for Those who have Been Subjected to SGBV web page; and



- iv. the steps or measures the University can take in the learning environment, including modifications to academic program(s), a workplace, University residence, recreational or other programs, in response to a disclosure of SGBV; interim measures, anonymous or third-party reports, and complaints, see the Options, Services and Resources for Those who have Been Subjected to SGBV web page.

## Definitions

Any definitions listed in the following table apply to this document only with no implied or intended institution-wide use.	
<b>Sexual and Gender-Based Violence (SGBV)</b>	<p>Any sexual act or act of a sexual nature, or act targeting sexuality, whether physical or psychological, committed without consent, or other forms of abuse and control over another person, based on their gender, gender expression, gender identity or perceived gender. This includes, but is not limited to the following:</p> <ul style="list-style-type: none"> <li>a. Sexual Assault - Any form of sexual contact without consent. This can include unwanted or forced kissing, fondling, vaginal or anal penetration or touching, or oral sexual contact.</li> <li>b. Sexual Harassment - may be broadly defined as unwelcome conduct or comment of a sexual nature which detrimentally affects the learning environment or otherwise leads to adverse consequences for the person who is the target of the harassment. It may consist of unwanted sexual attention, sexually oriented remarks or behaviours or the creation of a negative psychological and emotional environment based on gender, gender identity or sexual orientation. It may be an isolated act or repetitive conduct but cannot be trifling. Retaliation or threat of retaliation against an individual for rejecting a sexual solicitation or advance may also constitute sexual harassment.</li> </ul> <p>The person(s) engaged in harassment need not have the intention to harass; it is the objective assessment of the circumstances that matters. How would a reasonable observer perceive the situation? A complainant need not</p>

	<p>expressly object to unwelcome conduct or comments, although any clear indication that the behaviour is unwanted will satisfy the test. A complainant's apparent passivity or failure to object overtly to sexual advances does not necessarily signal consent or welcomed behaviour, especially where a power imbalance exists between the individuals.</p> <p>c. Stalking - Repeated unwanted contact or communication directed at another person that causes reasonable fear or concern for that person's safety or the safety of others known to them. The harm may be physical, emotional, or psychological, or related to the personal safety, property, education, or employment of an individual.</p> <p>Stalking can occur physically (such as watching and monitoring, pursuing or following, making threatening or obscene gestures, sending unsolicited gifts), electronically (for example, continuously commenting or contacting via social media, surveillance, letters, text messages, emails or phone calls), directly and/or indirectly through a third party.</p> <p>d. Indecent Exposure - Exposing one's genitals, buttocks and/or breasts or inducing another to expose their own genitals, buttocks and/or breasts in non-consensual circumstances, in person or electronically.</p> <p>e. Voyeurism - Surreptitiously observing and/or recording another individual's full or partial nudity or sexual activity without the knowledge and consent of all parties involved.</p> <p>f. Distribution of Intimate Images - Includes showing, sharing, distributing or streaming of images, video or audio recording of a sexual activity or full or partial nudity of oneself or others, without the consent of all the recipient(s) and the subject(s) of the image or recording, or the threat to do the same.</p>
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	<ul style="list-style-type: none"><li data-bbox="646 216 1414 327">g. Nonconsensual condom removal – The act of intentionally removing a condom during sex without the consent of the partner.</li><li data-bbox="646 369 1386 480">h. Inducing intoxication, impairment or incapacity for the purpose of making another person vulnerable to non-consensual sexual activity.</li><li data-bbox="646 522 1430 758">i. Intimate partner violence (IPV), also known as dating violence or domestic violence - Abuse or aggression that occurs in a current or former romantic relationship. IPV can range from one episode of violence to chronic and repeated episodes over multiple years. IPV can include physical, sexual, and psychological abuse.</li><li data-bbox="646 800 1446 1188">j. Retaliation - Retaliating against another person in relation to a disclosure or complaint of SGBV. Retaliation includes taking, attempting to take or threatening to take any adverse action, reprisal or retribution of any kind against anyone involved in any process described in the <i>Sexual and Gender Based Violence Disclosures Procedure</i>, including the person who made a disclosure or complaint, and anyone involved in an investigation or resolution of an allegation of SGBV, or friends or family members of those individuals.  Retaliation can take many forms, including threats, intimidation, pressuring, harassment, continued abuse, violence or other forms or threats of harm to others, and be carried out in varying modes, including in person, via electronic communication or through third parties. Retaliation can also include adverse employment or educational actions taken or threatened against an individual because of participation in the reporting, investigating and/or resolution of an alleged violation of this policy, or any conduct that would discourage a person from participating.</li><li data-bbox="646 1713 1029 1745">k. Other analogous conduct.</li></ul>
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<b>Discloser</b>	Any person within the scope of this policy who discloses having been subjected to SGBV.
<b>Complaint</b>	A type of disclosure made to a University official that alleges SGBV misconduct for the express purpose of initiating a formal University disciplinary process, including an investigation and decision on disciplinary action.
<b>Corrective action</b>	Corrective action includes, but is not limited to, interim measures, modifications, formal discipline for faculty, staff or students, and/or non-disciplinary accountability options.
<b>Modifications</b>	Adjustments the University may be able to make for any person within the scope of this policy who discloses having been subjected to SGBV. The modifications may relate to their academic program, employment, University residence or recreational or other programs and are designed to mitigate the impact of SGBV on their access to or participation in the learning environment.
<b>Interim measures</b>	<p>Non-disciplinary conditions or restrictions that the University may apply to a person within the scope of this policy alleged to have committed a violation under this policy. Such conditions may be applied in response to a disclosure or complaint.</p> <p>The purposes of interim measures are to ensure the discloser’s safety or the safety of the University’s learning environment, to remove barriers to the discloser’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>
<b>Non-disciplinary accountability options</b>	<p>Collaborative facilitated processes to explore interpersonal or institutional accountability options outside of a complaint.</p> <p>Typically requested by the discloser but voluntary for all parties, interpersonal accountability options are intended to be flexible and creative, and may include, but are not limited to: restorative</p>

	<p>practices, transformative justice, culturally-specific and appropriate practices, peacemaking circles, educational and other remedial activities.</p> <p>Institutional accountability options may include review of policy, procedure or practice to encourage disclosures and/or discourage SGBV; examination of factors contributing to or permitting SGBV in a specific department, unit or area; and initiatives or projects with the aim of creating or fostering a safe and supportive learning environment.</p>
<b>Learning environment</b>	<p>The learning environment is to be understood broadly to encompass all aspects of University life. It includes:</p> <ul style="list-style-type: none"> <li>• physical and virtual spaces where University teaching, learning, work, research, residence, recreational and social activities take place;</li> <li>• 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.</li> </ul>
<b>Disclosure</b>	<p>Any verbal or written report or account by any person within the scope of this policy to a member of the University community that they have been subjected to SGBV, often for the purpose of seeking support or assistance.</p>
<b>SGBV Options Navigation Network (ONN)</b>	<p>Units or areas where specially trained staff review all options and resources available to a discloser or a person supporting a discloser, specific to the discloser's needs.</p>
<b>Procedural fairness</b>	<p>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.</p>
<b>Trauma-informed</b>	<p>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</p>

	to address the needs created by trauma and to prevent retraumatization.
<b>Complainant</b>	The person who makes or continues a complaint under this procedure.
<b>Respondent</b>	The person who is the subject of a complaint under this procedure.
<b>Advisor</b>	A person who assists a complainant or respondent during the disciplinary process. Assistance may be provided by the Office of the Student Ombuds, Student Legal Services, legal counsel or another advisor as the parties choose.
<b>Party/Parties</b>	A complainant or a respondent under this procedure.
<b>Hearing</b>	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.
<b>Consent</b>	<p>Consent is a voluntary, ongoing, active and conscious agreement to engage in the sexual activity in question. Consent or a "yes" that is obtained through pressure, coercion, force, threats or by inducing intoxication, impairment or incapacity is not voluntary consent. Silence or ambiguity do not constitute consent.</p> <p>Additionally, there is no consent when:</p> <ul style="list-style-type: none"> <li>• it is given by someone else.</li> <li>• the person is unconscious, sleeping, highly intoxicated or high, or otherwise lacks the capacity to consent.</li> <li>• it was obtained through the abuse of a position of power, trust or authority.</li> <li>• the person does not indicate "yes", says "no" or implies "no" through words or behaviours.</li> <li>• the person changes their mind and withdraws their consent.</li> </ul>

	<p>Consent cannot be implied (for example, by a current or past relationship, by consent to another activity, or by failure to say “no” or resist). In addition, consent cannot be given in advance of sexual activity that is expected to occur at a later time. It is the responsibility of the person wanting to engage in sexual activity to obtain clear consent from the other and to recognize that consent can be withdrawn at any time.</p>
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## Related Links

### Supports and Resources

- [Association of Academic Staff, University of Alberta \(AASUA\)](#)
- [Wellness Supports](#)
- [Counselling and Clinical Services](#)
- [Employee Family Assistance Program \(EFAP\)](#)
- [First Peoples' House](#)
- [Homewood Pathfinder](#)
- [Faculty of Graduate Studies and Research](#)
- [Graduate Students' Association](#)
- [Graduate Student Assistance Program \(GSAP\)](#)
- [Health, Safety and the Environment \(HSE\) Management System](#)
- [Human Resources, Health, Safety and the Environment](#)
- [Interfaith Chaplains' Association](#)
- [International Student Services](#)
- [the Landing](#)
- [Non Academic Staff Association \(NASA\)](#)
- [Office of the Dean of Students](#)
- [Office of Safe Disclosure and Human Rights](#)
- [Office of the Student Ombuds](#)
- [Peer Support Centre](#)
- [Postdoctoral Fellows Assistance Program \(PDAP\)](#)
- [Postdoctoral Fellows Association](#)
- [Residence Services](#)
- [Sexual Assault Centre](#)
- [Sexual Assault Centre of Edmonton](#)
- [Students' Union](#)
- [University of Alberta Protective Services](#)

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**Original Approval Date:**

**Most Recent Approval:**

**Most Recent Editorial Date:** August 26, 2022

## Student Conduct Policy

<b>Office of Accountability:</b>	Provost and Vice-President (Academic)
<b>Office of Administrative Responsibility:</b>	Vice-Provost and Dean of Students
<b>Approver:</b>	Board of Governors General Faculties Council
<b>Scope:</b>	Compliance with this University policy extends to all University of Alberta <b>students</b> as defined in this policy.

### Overview

The University is defined by tradition as a community of people dedicated to the pursuit of truth and advancement of knowledge, and as a place where there is freedom to teach, freedom to engage in research, freedom to create, freedom to learn, freedom to study, freedom to speak, freedom to associate, freedom to write and to publish. However, these freedoms come with the responsibility to respect and not infringe upon these freedoms when they are exercised by others. For these freedoms to exist, it is essential to maintain a **learning environment** that fosters the safety, security, and the inherent dignity of each member of the community and to ensure that students conduct themselves accordingly.

### Purpose

The purpose of this policy is to:

- set out the conditions under which this policy applies;
- set out the principles that will guide the interpretation and application of this policy;
- provide clarity on privacy, disclosure and confidentiality;

- identify behaviours which are unacceptable and constitute student misconduct;
- situate the student conduct process in relation to concurrent external proceedings;
- authorize measures to enhance safety and ensure equitable access to the learning environment;
- describe the standard of proof;
- describe acceptable evidence;
- authorize and set out the principles that will guide the application of sanctions for **misconduct** that has been found to have occurred;
- clarify expectations of **parties** to a complaint;
- stipulate required training for **investigators** and decision-makers in the student conduct process;
- identify sources of on campus assistance;
- articulate the delegated authority, under the *Post-Secondary Learning Act of Alberta (PSLA)* to discipline students, subject to an appeal to the Board;
- provide for periodic review of, and amendments to, this policy and its related procedures; and
- provide definitions which apply to this policy and its related procedures.

## Policy

The University acknowledges the values of academic engagement, respectful debate, peaceful assemblies and demonstrations, and participation in the many aspects of University life as ways to enhance intellectual growth, health and wellbeing, and a sense of belonging. The misconduct listed in this policy describes, in general terms, student behaviours which if left unchecked would, to an unacceptable degree, disrupt the learning environment, threaten the proper functioning of the University and/or negatively affect the property or reputation of the university, which benefit all members of the University community.

### 1. Application

This policy applies to all misconduct or alleged misconduct by a student or by students, by any means whatsoever (including virtual or online), that has a real and substantial link to or a material effect on the learning environment, whether or not it occurred on or in relation to University property. The determination of whether any misconduct has a real and substantial link or material effect may be made by the Office of the Dean of Students, an investigator or any person or body authorized to make decisions in the disciplinary processes set out in this policy.

## 2. Guiding Principles

This policy and its associated procedures are guided by and will be interpreted and applied by reference to the following principles:

- a. The University is responsible for taking reasonable steps to ensure the safety of all members of the University community and its visitors, and the proper functioning of the University.
- b. All members of the University community are entitled to expect safe and equitable access to a vibrant and supportive learning environment.
- c. The University will create a supportive space for students to be accountable and provide redress to individuals and/or the community affected by the harm resulting from their misconduct. Wherever possible and appropriate, individuals are encouraged to explore **non-disciplinary accountability options**, including educational, developmental, restorative, transformative, or other voluntary facilitated resolution options.
- d. The student cycle at the University necessitates a timely way to address conduct that negatively affects the University community and the learning environment. Misconduct that interferes with full participation in the learning environment must be addressed expeditiously and fairly.
- e. Parties to a complaint are entitled to an appropriate level of **procedural fairness**. **Complainants** and **respondents** under this policy have the right to:
  - i. an impartial and appropriately trained decision-maker;
  - ii. have their case decided within a reasonable time;
  - iii. timely communication;
  - iv. be accompanied by an **advisor** and/or support person, throughout their participation in any investigation, **hearing** or other aspect of the complaint process, and to be advised of these rights;
  - v. reasonable disclosure of the allegations in the complaint;
  - vi. reasonable opportunity to respond to the allegations in the complaint;
  - vii. reasonable notice of the time, place, and nature of any hearing;
  - viii. an opportunity to respond to or explain any evidence that does not support their accounts of events;

- ix. provide evidence and suggest witnesses or lines of inquiry;
- x. be provided with written reasons for any decision made under this policy; and
- xi. where applicable, be reasonably accommodated under the *Discrimination, Harassment and Duty to Accommodate Policy*.

### **3. Privacy and Personal Information**

- a. Any use and disclosure of personal information contemplated in this policy and the related procedures will be in accordance with the *Freedom of Information and Protection of Privacy Act* of Alberta.
- b. Privacy and the protection of personal information are essential for creating an environment where parties to a complaint feel safe in discussing their experiences and responding to allegations. The University will protect the privacy of those involved in a complaint; however, it is important to note that there may be limits to the University's ability to do so, when:
  - i. there is a risk of harm to self or others;
  - ii. as necessary to administer interim measures, an investigation, hearings, or other elements of the student conduct process; or
  - iii. reporting or action is required or authorized by law, including but not limited to, under the *Occupational Health and Safety Act* of Alberta or the *Freedom of Information and Protection of Privacy Act* of Alberta
- c. In such cases, the use or disclosure of information will be limited to that which is reasonably necessary and only to those with a need to know. The extent to which the University can maintain privacy around a disclosure will be determined on a case-by-case basis. The University will endeavour to inform all parties of the limits of protection of personal privacy and confidentiality.

### **4. Confidentiality of the Student Misconduct Process**

- a. University employees will only use or disclose personal information that they learn solely as a result of administering or participating in a University process related to student conduct in accordance with section 3 above. Contact the Information and Privacy Office for guidance about confidentiality and privacy.
- b. Parties and witnesses should not make public another person's personal information that they learn solely through any University process such as a complaint, investigation, interim measures, modifications, or non-disciplinary accountability options and should refrain from:

- i. posting another person's personal information on social media or online,
  - ii. distributing confidential University documents in whole or in part,
  - iii. sharing another person's personal information with individuals outside of their immediate circle of support, and
  - iv. prompting or eliciting others to disclose another person's personal information.
- c. The University does not prohibit parties and witnesses from speaking about their own experiences, including, but not limited to seeking support for healing or rehabilitation. However, when disclosing another person's personal information within their immediate circle of support, the party or witness is also responsible for communicating the need to keep the information confidential.
- d. In any event, inappropriate disclosure of another person's personal information may affect the integrity of a University process, breach another person's privacy rights, and/or bring about other legal risks for the individual who breaches another person's privacy rights.

## **5. Misconduct**

- a. The conduct listed in Schedules A and B is prohibited and constitutes misconduct for which a complaint may be made under this policy.

## **6. Concurrent Criminal, Civil or Other Proceedings**

- a. This policy and its associated procedures are independent of any criminal, civil, regulatory or other proceedings. Any aspect of the complaint process under this policy or its associated procedures may occur concurrently with, prior to, or following any criminal, regulatory, civil or other proceeding. In this regard:
  - i. The University is responsible for determining whether a student has violated this policy and is not responsible for determining violations of criminal or civil, regulatory or other proceeding.
  - ii. Where an incident is also being addressed by another body or authority, the University may, in its sole discretion, proceed with or suspend any aspect of the complaint process under this policy or its associated procedures.

## **7. Equity and Safety Measures**

- a. Where there are safety concerns and/or barriers to full participation in the learning environment, the University may apply **interim measures**.

- b. In cases involving serious disruption, threats and violence, the University may invoke the *Protocol for Urgent Cases of Disruptive, Threatening or Violent Conduct*.
- c. Where applicable and necessary, the University may address the matter through means including, but not limited to, the *Trespass to Premises Act* of Alberta or the *Petty Trespass Act* of Alberta, reports or complaints to the appropriate law enforcement agency or professional governing body.

## 8. Standard of Proof

- a. All determinations that a violation of this policy has been established will be made on a **balance of probabilities** standard.

## 9. Evidence

- a. The student conduct process is not bound by the same rules of evidence as would apply in a court of law such as the *Alberta Evidence Act* or the law of evidence applicable to judicial proceedings. Decision makers under this policy and associated procedures can accept and consider any credible information that is relevant to the complaint including, for example, hearsay evidence.

## 10. Sanctions

- a. The aim of sanctions in general is to:
  - i. foster a safe, supportive and vibrant learning environment;
  - ii. promote accountability to individuals and the community; and/or
  - iii. rehabilitate the respondent, where possible.
- b. Sanctions are meant to be proportionate and the least restrictive means to accomplish the above aims. When considering sanction(s), a decision-maker can take into account any relevant factors.
- c. Sanction descriptions and their impact are detailed in Schedule C. Available sanctions include:
  - Conduct conditions
  - Exclusion
  - Expulsion
  - Fine
  - Refusal to consider applications

- Reprimand
- Restitution
- Suspension
- Suspension of essential or non-essential University services and resources

## 11. Who May Be a Complainant

- As described more fully in the procedure, a **reporting individual** may opt to be the complainant or, in consideration of their personal safety, availability or ability to participate, may request to act as a witness only or may withdraw from further participation.
- A reporting individual who chooses to act as witness only is entitled to receive regular updates regarding the investigation and decision(s), and to be advised of the outcome and reasons for any decision made.

## 12. Participation in the Investigation

- An investigation is a necessary and very important step in the complaint process. This is the reporting individual's and the parties' opportunity to provide all information and evidence, and to identify other witnesses who may have information and evidence relevant to the complaint.
- The investigator records the information and evidence gathered from the reporting individual and parties, and any other witnesses, in an investigation report. Decision makers will rely on the investigation report to make findings of fact for the purpose of determining whether or not a respondent violated this policy. Where, for example, a reporting individual, respondent or complainant does not participate in an investigation, the investigation report and decision will be based solely on the information that was gathered during the investigation.
- Accordingly, while the reporting individual and parties are not obligated or required to participate in an investigation, where they choose not to participate and decline to provide information to the investigator, they may be prohibited from later attempting to provide that information or evidence to University decision-makers under the *Student Misconduct Complaint Procedure* and the *Student Misconduct Appeal Procedure*.

## 13. Required Training

- In addition to training on the application and interpretation of this Policy suite, and other role-specific training, any person investigating or making decisions under this policy, and those advising them, will be trained in procedural fairness and anti-oppression.

- b. Investigators and decision-makers in cases related to interpersonal misconduct (Schedule A) will be additionally trained in **trauma-informed** practice, and the dynamics and myths of sexual and gender-based violence.
- c. Members of the **Appeal Panel** will additionally be trained in the standard of review applicable on appeals.

#### **14. Sources of On Campus Assistance**

- a. The Office of the Dean of Students, Office of the Student Ombuds, and Student Legal Services are available on-campus to provide assistance to students about the complaint process.

#### **15. Delegation**

Section 31 of the *Post-Secondary Learning Act* (PSLA) gives General Faculties Council (GFC) general supervision of student affairs including authority over student discipline. The GFC may, subject to an appeal to the Board, discipline students. In addition to this authority over student discipline, the GFC may, under the PSLA, delegate its power to discipline students.

Under this authority, the GFC has adopted and approved this *Student Conduct Policy* and the associated procedures and has delegated the functions in the student conduct process to the persons identified in this policy, the *Student Misconduct Complaint Procedure* and the *Student Misconduct Ticket Procedure*.

As noted, GFC's authority to discipline students is "subject to a right of appeal to the board". To fulfill this appeal function, the Board has adopted and approved the *Student Misconduct Appeal Procedure* and the *Student Misconduct Ticket Procedure*, and has delegated the functions in the appeal processes to the persons identified in the *Student Misconduct Appeal Procedure* and the *Student Misconduct Ticket Procedure*.

#### **16. Review and Amendments**

This policy will be reviewed from time to time as necessary, but at a minimum every five years.

- a. Amendments to the *Student Conduct Policy* and *Student Misconduct Complaint Procedure*:
  - i. The Student Conduct Policy Committee (SCPC) decides which amendments are editorial.
  - ii. On delegated authority from GFC, the SCPC will approve all editorial amendments to this policy and the *Student Misconduct Complaint Procedure*.



- iii. Where the SCPC deems amendments to this policy and the *Student Misconduct Complaint Procedure* to be substantive, the SCPC will forward the amendments to the GFC Executive Committee, which will decide whether or not it can act on behalf of GFC.
  - iv. GFC has final authority on amendments to this policy and the *Student Misconduct Complaint Procedure*, except where they pertain to the Board's authority as described in section 15 above.
- b. Amendments to the *Student Misconduct Ticket Procedure*, sections 1-10:
- i. The SCPC decides which amendments are editorial.
  - ii. On delegated authority from GFC, the SCPC will approve all editorial amendments to section 1-10 of the *Student Misconduct Ticket Procedure*.
  - iii. Where the SCPC deems amendments to Sections 1-10 of the *Student Misconduct Ticket Procedure* to be substantive, the SCPC will forward the amendments to the GFC Executive Committee, which will decide whether or not it can act on behalf of GFC.
  - iv. GFC has final authority on amendments to the *Student Misconduct Ticket Procedure*, except where they pertain to the Board's authority as described in section 15 above.
- c. Amendments to the *Student Misconduct Ticket Procedure*, sections 11-14 Contesting a Misconduct Ticket:
- i. The GFC Executive Committee will approve editorial amendments to sections 11-14 of the *Student Misconduct Ticket Procedure*.
  - ii. All substantive changes to sections 11-14 of the *Student Misconduct Ticket Procedure* will proceed to the BLRSEC, which will decide whether or not it can act on behalf of the Board of Governors.
- d. Amendments to the *Student Misconduct Appeal Procedure*:
- i. The GFC Executive Committee will approve editorial amendments to the *Student Misconduct Appeal Procedure*.
  - ii. All substantive changes to the *Student Misconduct Appeal Procedure* will proceed to the BLRSEC, which will decide whether or not it can act on behalf of the Board of Governors.

## SCHEDULE A - INTERPERSONAL MISCONDUCT

### 1. Discrimination and Harassment

- a. Discrimination against any person or group of persons, on the basis of protected grounds, while participating in the learning environment.

Discrimination is: differential treatment, whether or not intentional, based on a protected ground set out below, that has the effect of imposing on an individual or group of individuals' burdens, obligations or disadvantages that are not imposed on others, or of withholding or limiting access to opportunities, benefits and advantages available to other individuals in the learning environment.

The protected grounds are: race, colour, ancestry, place of origin, religious beliefs, gender, gender identity, gender expression, age, physical disability, mental disability, marital status, family status, source of income, or sexual orientation.

- b. Harassment, including Bullying and/or Racial Harassment

Harassment is a single or repeated incident of objectionable, unwelcome or adverse conduct, comment, bullying or action by a person that the person knows or ought to reasonably know will or would cause offence or humiliation to another individual or adversely affects that individual's health and safety, and includes conduct, comment, bullying or action because of race, religious beliefs, colour, physical disability, mental disability, age, ancestry, place of origin, marital status, source of income, family status or otherwise.

*Harassment* includes bullying, which is a form of aggression that may include physical, verbal or emotional abuse. Bullying poisons the learning environment of the person it targets. It can include persistent, offensive, abusive, intimidating or insulting behavior which makes the individual feel threatened, humiliated and/or vulnerable.

The person(s) engaged in harassment need not have the intention to harass; it is the objective assessment of the circumstances that matters. How would a reasonable observer perceive the situation? A complainant need not expressly object to unwelcome conduct or comments, although any clear indication that the behaviour is unwanted will satisfy the test. A complainant's apparent passivity does not necessarily signal consent or welcomed behaviour, especially where a power imbalance exists between the individuals.

*Racial harassment* involves unwanted or unwelcome comments, conduct or behavior that humiliates, intimidates, excludes or isolates an individual or group by focusing on their race, ethnicity, origin or religion. Overall, racial harassment undermines self-

esteem and is a violation of the dignity and security of the individual or group(s) that it targets.

See the *Sexual and Gender-Based Violence Policy* for the definition of sexual harassment.

- c. Disseminating or causing to be disseminated information or material for the purpose of creating a social or academic climate that the student knows or ought reasonably to know, excludes, hinders or prevents the full participation of another person or group of persons in the learning environment.

## 2. Threats and Endangerment

- a. Threatening or inciting any kind of violence or abuse to any person or group of persons that the student knows or ought reasonably to know, would cause the person or group of persons to fear for their health or safety.
- b. Possessing any weapon, unless authorized by University of Alberta Protective Services.

A weapon is a firearm, ammunition, air gun, explosive device or their replicas; or other items prohibited by law in Canada or their replicas (examples include but are not limited to: brass knuckles, pepper spray, switchblade knives, butterfly knives, and nunchucks).

- c. Creating a condition that the student knows, or ought reasonably to know, endangers or potentially endangers or threatens the health, safety or well-being of another person or group of persons.

## 3. Physical Assault and Abuse

- a. Physical contact with another person without that person's consent.
- b. Physical abuse of another person or group of persons.
- c. Sexual and Gender-Based Violence as defined in the *Sexual and Gender-Based Violence Policy*.
- d. Retaliating against any person who has provided information, served as a witness or acted in an official capacity in any University process described in the *Student Misconduct Complaint Procedure*.

Retaliation is: taking, attempting to take or threatening to take any adverse action, reprisal or retribution of any kind against anyone involved in a student conduct process including the reporting individual, and anyone involved in an investigation or resolution of an allegation of misconduct, or friends or family members of those

individuals.

Retaliation can take many forms, including threats, intimidation, pressuring, harassment, continued abuse, violence or other forms or threats of harm to others, and be carried out in varying modes, including in person, via electronic communication or through third parties, with the aim of discouraging a person from participating in, administering, investigating or making a decision in any University process described in the *Student Misconduct Complaint Procedure*.

- e. Organizing, participating or engaging in hazing another person, regardless of whether the individual who is the subject of the hazing has consented to participate in or be subjected to the activities in question, or whether the activities in question constitute a ritual or tradition of an organization.

Hazing is creating an environment or committing any intentional, reckless or negligent act that:

- endangers the physical health, mental health or safety of another person; or
- produces physical or mental discomfort, embarrassment, humiliation, harassment, or ridicule; or
- results in the destruction, damage or removal of any public or private property; or
- causes, induces, pressures, coerces, or requires another person to violate any federal, provincial, municipal or University regulations;

for purposes that include, but are not limited to, initial or continued admission, affiliation or initiation with any student group, athletic team, or any formal or informal organization in the University Community. Examples of hazing include, but are not limited to: any brutality of a physical nature, such as whipping, beating, branding, paddling, or electric shocks, exercise not legitimately related to a sport, forced consumption of alcohol or other substances, inappropriate exposure to the elements, compulsory nudity or immodest dress, transportation and abandonment, threats or implied threats, verbal abuse, physical or psychological abuse, sleep deprivation, physical confinement, coerced hazing of another, compulsory servitude, degrading activities, sexual simulation, sexual assault, or theft or misuse of others' property.

## SCHEDULE B - UNIVERSITY-RELATED MISCONDUCT

1. Damage
  - a. Possessing, misappropriating, converting, destroying or otherwise damaging University property or the property of any other member of the University community.
  - b. Defacing the inside or outside any building or property of the University.
2. Unauthorized Use
  - a. Using any University facility, property, equipment, material, service or resource contrary to express instructions or without proper authority.
  - b. Making, altering, using, receiving, or possessing University supplies or documents without authority.
  - c. Entering or remaining in any University building, facility, room, or office, without the proper authority, contrary to express instructions, or with intent to damage, destroy, convert or misappropriate University property.
  - d. Obtaining any University equipment, material, service or resource by fraudulent means or by providing false information.
  - e. Information Technology or Management misconduct, as defined in the *Information Technology Use and Management Policy* and the *Information Technology Use and Management Policy (Appendix A) Examples of Unacceptable Use* in UAPPOL.
  - f. Substance use, including alcohol, smoking or vaping at any time in any area of the University where it is banned.
3. Obstruction-related Violations
  - a. Using action, words, written material, or any other means to impede University functions or disrupt the learning environment.
  - b. Using words or images that incite others to engage in misconduct.
  - c. Refusing to provide identification upon request by a University Official or employee acting in the course of that person's duties, provided the University Official or employee has reason to believe the student is committing, has committed or is about to commit a violation.
  - d. Misrepresenting pertinent facts to any member of the University community for the purpose of obtaining unwarranted advantage.

- e. Participating in a violation, or advising, encouraging, or knowingly aiding or assisting, directly or indirectly, another person to commit any violation under this policy.
- f. Offering or providing a monetary or other benefit to any member of the University for the purpose of gaining unwarranted advantage.

4. Other Applicable Policy Violations

- a. Violating any University policy that applies to students.
- b. Breaching conditions or restrictions applied through interim measures or the *Protocol for Urgent Cases of Disruptive, Threatening or Violent Conduct*.

## SCHEDULE C - SANCTION DESCRIPTIONS AND IMPACT

### 1. Conduct conditions

- a. Specific conditions or restrictions for a time not to exceed the duration of the respondent's degree program, that may include the following:
  - i. not to commit any further violations during the term of the conduct conditions;
  - ii. to report at specified periods to a specified University official;
  - iii. to abstain from the consumption of alcohol, drugs (except in accordance with a medical prescription), or other intoxicating substances while on University property;
  - iv. to complete a relevant reflection assignment;
  - v. to write a letter of apology;
  - vi. to refrain from contact with an identified person or persons;
  - vii. to refrain from being at or being within a specified distance from a specified place or person on University property; and/or
  - viii. such other reasonable conditions considered desirable for:
    1. protecting the University community,
    2. encouraging the student to take responsibility for the misconduct,
    3. rehabilitating the student, and
    4. ensuring that the student provides reparation for harm done to an individual, the learning environment, or damage to University property or the property of others.
- b. Conduct conditions will specify who has the responsibility to ensure compliance with the terms and to certify, when and as necessary, that the conditions have been met to a reasonable standard of performance, or have been breached.
- c. The sanction of conduct conditions will specify the consequence to be imposed should the respondent not meet the conditions specified, either in the form of a sanction from Schedule C of this policy or an **encumbrance** on the student's academic record.

Any appeal of the conduct conditions must be made at the time they are imposed and within the time limits set out in the *Student Misconduct Appeal Procedure*. If any

of the conditions are not met, no further appeal is available when the specified consequence is imposed.

- d. The details of any conduct conditions will be kept in the Student Conduct Officer's file according to the established record retention schedule.
- e. Any new violation that constitutes a breach of the prescribed conduct conditions during the defined period may lead to an additional complaint under this policy.

## 2. Exclusion

- a. Exclusion prohibits or restricts the respondent's presence on campus and participation in any University activity or event for either a specified time, until specified conditions are met for return to campus, or indefinitely. A respondent may be excluded from all or specified parts of the University.
- b. Exclusions will be noted as a **negative service indicator** on the respondent's **central academic record** until:
  - i. the period of exclusion has expired,
  - ii. the respondent has met any conditions set for return to the University, or
  - iii. indefinitely, where the sanction of exclusion does not expire.
- c. In all cases of exclusion, the notation will include a description of the areas of the University from which the respondent is barred (all areas of the University or specified areas).
- d. The respondent will receive credit for any course passed before the effective date of the exclusion.
- e. Withdrawals resulting from a decision of exclusion will show as grades of "W" on the **transcript** and will remain part of the central academic record.
- f. Any fee refund dates outlined in the *University Calendar* will apply.

## 3. Expulsion

- a. A complete withdrawal from the University for an indefinite period of time.
- b. Expulsion will be noted in the respondent's academic file in the Faculty in which they are registered, as a negative service indicator in the student's central academic record and on the respondent's transcript in perpetuity.
- c. The respondent will receive credit for any course passed before the effective date of the expulsion. Withdrawals resulting from a decision of expulsion will show as grades of "W" on the respondent's transcript and will remain part of their central



academic record.

- d. A respondent will be withdrawn from all courses as of the date of expulsion and any fee refund dates outlined in the *University Calendar* will apply.
- e. The respondent may, after no less than four years have elapsed, submit a request to the **Provost** to be readmitted. On receiving the request, the Provost will consult with the Student Conduct Officer and the Faculty/College from which the respondent was expelled. The decision of the Provost is final and not subject to appeal.
- f. Any course work completed at any institution during the period of expulsion will not be accepted as credit towards a student's degree, or for admission to a Degree program, or any other certification at the University of Alberta.

#### 4. Fine

- a. An order that a student pay a specified sum to the University. All funds from fines are directed toward student bursaries.
- b. The fine is noted as a negative service indicator on the student's central academic record until it is paid in full. If the student fails to pay the fine by the deadline set by the Student Conduct Officer, and has not contacted the Student Conduct Officer to make alternate payment arrangements, the student's central academic record will be encumbered until the amount is paid in full.

#### 5. Refusal to Consider Applications

- a. The University may refuse to consider applications for admission for a specified time period up to 5 years or indefinitely.
- b. Where a sanction of refusal to consider applications has been imposed, it will be noted as a negative service indicator on the student's central academic record until the sanction expires.
- c. The respondent may, after no less than five years have elapsed, submit a request to the Provost to be reconsidered for admission. On receiving the request, the Provost will consult with the Student Conduct Officer and the Registrar's Office. The decision of the Provost is final and not subject to appeal.

#### 6. Reprimand

- a. A note that a respondent has been found responsible for a policy violation.
- b. A reprimand is kept in the Student Conduct Officer's file, according to the established record retention schedule.

## 7. Restitution

- a. An order that a respondent pays money:
  - i. to one or more of another individual, a corporation, an unincorporated association or other unincorporated group, or the University, as repayment for damage to or the loss or destruction of any property as the result of the commission of a violation by the respondent. The amount of restitution must not exceed the replacement cost of the property as of the date that the sanction is imposed, less the value of any part of the property that has been returned; and/or
  - ii. to an individual who has suffered bodily harm as a result of interpersonal misconduct, as repayment for expenses or loss of income suffered as a result of the violation. Restitution is not payable as compensation for pain and suffering.
- b. The amount of restitution will be calculated based on receipts, invoices, other records or letters and/or estimates for the cost of the damage or injury caused by the respondent.
- c. The sanction of restitution is noted as a negative service indicator on the respondent's central academic record until it is paid in full. If the respondent fails to pay the restitution by the deadline set by the Student Conduct Officer and has not contacted the Student Conduct Officer to make alternate payment arrangements, the respondent's record will be encumbered until the amount is paid in full.
- d. The Student Conduct Officer who imposed the sanction will determine when the restitution has been paid in full. Where a respondent is unable to pay the restitution in full by the assigned date, the Student Conduct Officer may approve a payment schedule or alternate arrangements. This decision is final and not subject to appeal.

## 8. Suspension

- a. A complete withdrawal from the University, the respondent's program in the University, and all University activities for a specified period of time, to a maximum of three years.
- b. Suspension will be noted on the respondent's central academic record, transcript, and in the respondent's academic file held by the faculty in which the student is enrolled during the period of the suspension. At the discretion of the Student Conduct Officer, the suspension may be noted on the transcript for a further period of up to three years after the end of the suspension.
- c. The respondent will receive credit for any course passed before the effective date

of the suspension.

- d. Withdrawals resulting from a decision of suspension will show as grades of "W" on the respondent's transcript and will remain part of the central academic record.
  - e. A respondent will be withdrawn from all courses as of the date of a suspension; the fee refund dates outlined in the *University Calendar* will apply.
  - f. A respondent who has been suspended for less than 12 months will be permitted to re-enroll in the program from which they were suspended provided they have not been required to withdraw in accordance with the Faculty's published Academic Standing regulations.
  - g. If the suspension is for 12 months or more, the respondent must apply for readmission to the University. Refer to the *University Calendar* for more information on admission and readmission.
  - h. Any course work completed at any institution during the period of Suspension will not be accepted as credit towards an individual's Degree, or for admission to a Degree program, or other certification at this University.
9. Suspension of Essential or Non-essential University Services and Resources
- a. The denial, for a specified period of time or indefinitely, of specific services and resources.
  - b. The classification of an essential service or resource refers to those services and resources that are necessary for the completion of a student's program of studies at the University.
  - c. The suspension of University services and resources will be noted as a negative service indicator in the respondent's central academic record and the file held by the Student Conduct Officer. In addition, the suspension will be communicated to the unit which administers the service or resource as required to implement the sanction, and to University of Alberta Protective Services (UAPS).

## Definitions

Any definitions listed in the following table apply to this document only with no implied or intended institution-wide use.	
<b>Student</b>	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, postgraduate learners, former Students, and graduates who have received a Degree, diploma or certificate from the University.
<b>Learning environment</b>	<p>The learning environment is to be understood broadly to encompass all aspects of University life. It includes:</p> <ul style="list-style-type: none"> <li>• physical and virtual spaces where University teaching, learning, work, research, residence, recreational and social activities take place;</li> <li>• 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.</li> </ul>
<b>Misconduct</b>	Prohibited conduct as set out in Schedules A and B of the <i>Student Conduct Policy</i> .
<b>Party/Parties</b>	A complainant or a respondent in a complaint under this policy and the related procedures.
<b>Investigator</b>	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.
<b>Non-disciplinary accountability options</b>	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.
<b>Procedural fairness</b>	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.
<b>Complainant</b>	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.
<b>Respondent</b>	A student who is the subject of a complaint under this policy.
<b>Advisor</b>	A person who assists a complainant or respondent during the disciplinary process. Assistance may be provided by the Office of the Student Ombuds, Student Legal Services, legal counsel or another advisor as the parties choose.
<b>Hearing</b>	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.
<b>Interim measures</b>	<p>Non-disciplinary conditions or restrictions that the University may apply to a person within the scope of this policy alleged to have committed a violation under this policy. Such conditions may be applied in response to a disclosure or complaint.</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>

	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 in a complaint that the person under allegation committed misconduct.
<b>Balance of probabilities</b>	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.
<b>Reporting individual</b>	An individual who reports having been subjected to misconduct as defined in Schedule A or Schedule B of the <i>Student Conduct Policy</i> .
<b>Trauma-informed</b>	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.
<b>Student Misconduct Appeal Panel</b>	The decision-making body authorized to hear appeals of the decision of the Student Conduct Officer.
<b>Encumbrance / encumber</b>	<p>A notation by the Registrar in the form of a negative service indicator on a student's central academic record that results in the withholding of the respondent's grades or other indicators of academic attainment, withholding of transcripts, denial or termination of registration until the Student Conduct Officer confirms to the Registrar that:</p> <ol style="list-style-type: none"> <li>1. a specified Fine has been paid as directed by the Student Conduct Officer or that arrangements satisfactory to the Student Conduct Officer have been made to do so;</li> <li>2. restitution has been made to the satisfaction of the University of Alberta; or</li> <li>3. the student has fulfilled specified conduct conditions.</li> </ol>

<b>Negative service indicator</b>	A transitory notation that can be placed on a student's central academic record during the period it is in effect. Service indicators assist staff in the provision or restriction of services but do not appear on a transcript. Negative service indicators can be used for financial, disciplinary or other extraordinary matters. Examples include but are not limited to: parking fines, library fines, disciplinary fines, orders of restitution, suspension, and exclusions.
<b>Central academic record</b>	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.
<b>Transcript</b>	A student'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.
<b>Provost</b>	Provost and Vice-President (Academic) or delegate

## Related Links

### Information

- Interim Measures Examples and Supports
- [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](#)
- [Information Technology Use and Management Policy \(Appendix A\) Examples of Unacceptable Use \(UAPPOL\)](#)
- [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](mailto:uappol@ualberta.ca)

## Published Procedures of This Policy

- *Student Misconduct Complaint Procedure*
- *Student Misconduct Ticket Procedure*
- *Student Misconduct Appeal Procedure*





**Original Approval Date:**

**Most Recent Approval:**

**Most Recent Editorial Date:** August 26, 2022

**Parent Policy:** Student Conduct Policy

## Student Misconduct Complaint Procedure

<b>Office of Administrative Responsibility:</b>	Vice-Provost and Dean of Students
<b>Approver:</b>	General Faculties Council
<b>Scope:</b>	This procedure applies to all University of Alberta <b>students</b> 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.	
<b>Student</b>	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.
<b>Learning environment</b>	The learning environment is to be understood broadly to encompass all aspects of University life. It includes: <ul style="list-style-type: none"> <li>• physical and virtual spaces where University teaching, learning, work, research, residence, recreational and social activities take place;</li> </ul>

	<ul style="list-style-type: none"> <li>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.</li> </ul>
<b>Non-disciplinary accountability options</b>	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.
<b>Procedural fairness</b>	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.
<b>Trauma-informed</b>	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.
<b>Misconduct</b>	Prohibited conduct as set out in Schedules A and B of the <i>Student Conduct Policy</i> .
<b>Complainant</b>	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.

<b>Investigator</b>	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.
<b>Hearing</b>	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.
<b>Party/Parties</b>	A complainant or a respondent in a complaint under this policy.
<b>Respondent</b>	A student who is the subject of a complaint under this policy.
<b>Interim Measures</b>	<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>
<b>Reporting individual</b>	An individual who reports having been subjected to misconduct as defined in Schedule A or Schedule B of the <i>Student Conduct Policy</i> .

<b>Dean of Students</b>	Vice-Provost and Dean of Students, or delegate.
<b>Director</b>	The administrative head of any University unit, or their delegate.
<b>Advisor</b>	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.
<b>Balance of probabilities</b>	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.
<b>Central academic record</b>	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.
<b>Transcript</b>	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](#)

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**Original Approval Date:**

**Most Recent Approval:**

**Most Recent Editorial Date:** August 26, 2022

**Parent Policy:** **Student Conduct Policy**

## Student Misconduct Ticket Procedure

<b>Office of Administrative Responsibility:</b>	Vice-Provost and Dean of Students
<b>Approver:</b>	General Faculties Council Board of Governors
<b>Scope:</b>	This procedure applies to all University of Alberta <b>students</b> as defined in the <i>Student Conduct Policy</i> .

### Overview

The University is committed to appropriate and proportionate responses to misconduct and where possible, immediate responses to minor misconduct. In instances where misconduct in or related to the **learning environment** is of a minor nature, or where its impact to the learning environment is minimal, a member of UAPS may issue a **misconduct ticket** with an associated **fine** in lieu of initiating a complaint under the *Student Conduct Policy*.

Section 31 of the *Post-Secondary Learning Act* (PSLA) gives General Faculties Council (GFC) authority to discipline students, “subject to a right of appeal to the board”.

To fulfill this appeal function, the Board has adopted and approved this *Student Misconduct Ticket Procedure* and has delegated the powers and functions in the appeal process to the persons identified in this procedure.

## Purpose

The purpose of this procedure is to:

- authorize the use of small fines in lieu of initiating a complaint under the *Student Conduct Policy*;
- specify the violations in respect of which a misconduct ticket may be given and the associated fine amounts;
- describe service and notice; and
- set out procedures to appeal a misconduct ticket.

## Procedure

1. On becoming aware of minor misconduct or misconduct with minimal impact on the learning environment that nevertheless contravenes the *Student Conduct Policy*, UAPS members have the authority to issue a misconduct ticket with limited fines to students.
2. Neither the payment of a misconduct ticket nor the failure to appeal a misconduct ticket will be taken as evidence that a student has committed a violation in any other proceedings under the *Student Conduct Policy*.
3. Where a student has not paid the fine related to a misconduct ticket, or otherwise made arrangements for a payment schedule with UAPS, within 15 working days, the University may put an **encumbrance** on that student's **central academic record** until payment is received.
4. Where a student has paid the fine specified under a misconduct ticket issued under this procedure, individuals other than UAPS members may nevertheless initiate a complaint under the *Student Conduct Policy*. In such cases, the amount of the fine that the student has paid under the misconduct ticket will, where relevant, be taken into consideration by the **Student Conduct Officer** and/or the **Student Misconduct Appeal Panel** when considering the appropriate sanction for the student.
5. Misconduct Tickets are subject to the following limits:
  - a. Misconduct tickets may only be issued following minor breaches of Schedule B violations of the *Student Conduct Policy*; and
  - b. Fines for violations of Schedule B misconduct should be proportionate to the misconduct, but may not exceed \$200.00.
6. A misconduct ticket will be delivered to the student electronically using their University account and the amount of the fine will appear in the student's Bear Tracks account. See the *Electronic Communication Policy for Students and Applicants* in the *University Calendar*.



7. The misconduct ticket will include the following information:
  - a. the name of the student and OneCard number;
  - b. the applicable violation;
  - c. the name of the member of UAPS who issued the misconduct ticket;
  - d. the misconduct ticket number;
  - e. the UAPS file number;
  - f. the date on which the misconduct ticket was issued;
  - g. the amount of the fine; and
  - h. the procedure to appeal the misconduct ticket.
8. Payment must be made to Financial Services within 15 working days of the date of the misconduct ticket.

## **9. Appealing a Misconduct Ticket**

- a. A student may appeal the misconduct ticket within 15 working days of the date of delivery of the misconduct ticket by submitting a written appeal to the Student Conduct Officer. The appeal must include:
  - i. the student's name and OneCard number;
  - ii. the misconduct ticket number;
  - iii. the UAPS file number;
  - iv. the reasons for contesting the misconduct ticket; and
  - v. available supporting evidence, if any.
- b. Where a student appeals the amount of the fine or is unable to pay the fine, the student may seek alternatives from the Student Conduct Officer.
- c. If the student contests the misconduct ticket on the basis that they did not commit the violation, the student must submit any supporting information or evidence with their written appeal to the Student Conduct Officer.
- d. Where warranted, the Student Conduct Officer will request specified investigation as needed before conducting the **hearing**.

- e. The Student Conduct Officer will advise the appellant of the date and time of the hearing.
- f. The Student Conduct Officer may cancel the misconduct ticket, uphold the original misconduct ticket or vary the fine amount up to a maximum of \$200.00. The Student Conduct Officer's decision is final and binding.

## Definitions

Any definitions listed in the following table apply to this document only with no implied or intended institution-wide use.	
<b>Student</b>	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, postgraduate learners, former Students, and graduates who have received a Degree, diploma or certificate from the University.
<b>Learning environment</b>	The learning environment is to be understood broadly to encompass all aspects of University life. It includes: <ul style="list-style-type: none"> <li>• physical and virtual spaces where University teaching, learning, work, research, residence, recreational and social activities take place;</li> <li>• 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.</li> </ul>
<b>Misconduct ticket</b>	In instances where the conduct in question or its effects are of a minor nature, a misconduct ticket and an associated fine may be issued by a member of UAPS in lieu of initiating a complaint under the <i>Student Conduct Policy</i> . Misconduct tickets may only be used for Schedule B violations under the <i>Student Conduct Policy</i> .
<b>Fine</b>	An order that a student pay a specified sum to the University. All funds from fines are directed toward student bursaries.

<p><b>Encumbrance</b></p>	<p>A notation by the Registrar in the form of a negative service indicator on a student's central academic record that results in the withholding of the respondent's grades or other indicators of academic attainment, withholding of transcripts, denial or termination of registration until the Student Conduct Officer confirms to the Registrar that:</p> <ol style="list-style-type: none"> <li>1. a specified fine has been paid as directed by the Student Conduct Officer or that arrangements satisfactory to the Student Conduct Officer have been made to do so;</li> <li>2. restitution has been made to the satisfaction of the University of Alberta; or</li> <li>3. the student has fulfilled specified conduct conditions.</li> </ol>
<p><b>Central academic record</b></p>	<p>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.</p>
<p><b>Student Conduct Officer</b></p>	<p>An impartial decision maker under the <i>Student Conduct Policy</i>.</p>
<p><b>Student Misconduct Appeal Panel</b></p>	<p>The decision-making body authorized to hear appeals of the decision of the Student Conduct Officer.</p>
<p><b>Hearing</b></p>	<p>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.</p>

## Related Links

### 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-related 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](#)

### Information

- [Electronic Communication Policy for Students and Applicants](#)
- [University Calendar](#)

If any of the links are broken, please contact [uappol@ualberta.ca](mailto:uappol@ualberta.ca)



**Original Approval Date:**

**Most Recent Approval:**

**Most Recent Editorial Date:** August 26, 2022

**Parent Policy:** Student Conduct Policy

## Student Misconduct Appeal Procedure

<b>Office of Administrative Responsibility:</b>	University Secretary
<b>Approver:</b>	Board of Governors
<b>Scope:</b>	This procedure applies to the <b>parties</b> to a complaint, as defined in the <i>Student Conduct Policy</i> .

### Overview

As an institution of higher learning, the University adopts procedures that reflect its academic mission, that is, it aims to foster a safe, vibrant and supportive **learning environment**. The University is committed to procedural fairness and **trauma-informed** practice to reduce harm throughout the student conduct process.

Section 31 of the *Post-Secondary Learning Act* (PSLA) gives General Faculties Council (GFC) authority to discipline students, “subject to a right of appeal to the board”.

To fulfill this appeal function, the Board has adopted and approved this *Student Misconduct Appeal Procedure* and has delegated the powers and functions in the appeal process to the persons identified in this procedure.

### Purpose

This procedure sets out:

- the right of appeal for the **complainant** and the **complaint respondent**;
- the timelines within which to initiate an appeal and the required content of an appeal;

- the composition of the **Student Misconduct Appeal Panel** (the “Appeal Panel”) and the manner in which the Appeal Panel is constituted;
- the required training of the Appeal Panel members;
- the procedures for an appeal;
- the process used to address procedural requests;
- the procedures and powers of the Appeal Panel; and
- the service of documents related to the appeal.

## Procedure

### 1. Right of Appeal

- a. Both the complainant and the complaint respondent have a right to appeal the final decision of the Student Conduct Officer to the Appeal Panel within 15 working days of the deemed receipt of the Student Conduct Officer’s decision.
- b. An **appellant** may appeal the decision of the Student Conduct Officer on the following grounds:
  - i. The Student Conduct Officer erred in their decision as to whether or not they had jurisdiction to apply the *Student Conduct Policy*;
  - ii. The Student Conduct Officer made an error in the finding of violation or no violation; and/or
  - iii. The Student Conduct Officer did not meet the duty of procedural fairness for reasons including, but not limited to:
    1. The appellant was not given a reasonable opportunity to provide information to the Student Conduct Officer;
    2. The appellant was not given a reasonable opportunity to respond to evidence or statements contrary to their account;
    3. The Student Conduct Officer was biased; and/or
    4. Any other denial of procedural fairness.

- c. The complaint respondent may appeal the decision of the Student Conduct Officer on any of the grounds set out in (b) above and on any other grounds, including but not limited to:
  - i. The sanction is outside of a reasonable range, given the nature of the violation, and/or
  - ii. Other specified grounds for the appeal.
- d. The appeal will be based on the **record** which was before the Student Conduct Officer.
- e. The Appeal Panel will determine whether:
  - i. The Student Conduct Officer decision contained errors to the extent that those errors would have a material effect on the outcome of the decision; or
  - ii. In the case of an appeal by the complaint respondent, the sanctions imposed by the Student Conduct Officer were unreasonable in the circumstances.

## 2. Initiating an Appeal

- a. A complainant and/or complaint respondent may seek assistance from an **advisor** throughout an appeal process.
- b. Any appeal of the decision of the Student Conduct Officer must be submitted to the **Appeals and Compliance Coordinator** within 15 working days of the deemed receipt of the Student Conduct Officer's decision.
- c. The written appeal must state the grounds for the appeal and include all available arguments, evidence or objections in support of the appeal.
- d. Either **party** can withdraw their appeal at any time.

## 3. Appeal Panel Members

- a. For each hearing the Appeal Panel will consist of one academic staff member as chair and two students. All Appeal Panel members (academic staff members and students) will be elected by GFC. In selecting members of the Appeal Panel, GFC will attempt to keep the membership of the Appeal Panel as broadly representative as possible given the available pool of candidates.
- b. GFC will elect a roster of up to seven academic staff members to serve as chairs of particular hearings ("Roster of chairs"). The Appeal Panel chairs will serve a term of up to four years.

- c. GFC will elect a roster of 10 undergraduate students and 6 graduate students (“Roster of Students”). All student members will be elected to serve a term of up to two years and are eligible for re-election.
- d. When constituting the Appeal Panel, members will be chosen from the rosters listed above. The Appeals and Compliance Coordinator will endeavour to ensure that the Appeal Panel chair and members are impartial and free from conflicts of interest.
- e. When a hearing involves an undergraduate student, the Appeal Panel will include at least one undergraduate student. When a hearing involves a graduate student, the Appeal Panel will include at least one graduate student. For the purposes of selection and service on the Appeal Panel, graduate students are considered to be from the Faculty where they receive supervision. Students who are in any joint graduate/undergraduate degree program (e.g., the joint MBA/LLB program) are considered to be graduate students for the purpose of service and selection on the Appeal Panel.
- f. Any Appeal Panel member who has been called to serve on the Appeal Panel for a particular case must complete their service on that case even if their term on an Appeal Panel expires or, in the case of student members, a student graduates or changes status from undergraduate to graduate.

#### Alternates

- g. If all Appeal Panel chairs are unable to serve, the Appeals and Compliance Coordinator may complete an Appeal Panel by selecting a member of the GFC AAC Panel of Chairs.
- h. If all student members from the Roster of Students are unable to serve, the Appeals and Compliance Coordinator may complete an Appeal Panel by selecting either one full-time undergraduate student or one full-time graduate student, from the GFC AAC Panel of Students.

#### **4. Mandatory Training for Appeal Panel Members**

- a. All Appeal Panel chairs, members and alternates must have completed the training outlined in the *Student Conduct Policy* before hearing any appeals.
- b. At the discretion of the chair, having regard to trauma-informed principles and practices, new Appeal Panel members may attend any oral hearing as observers for training purposes. Delegates of the Vice Provost and Dean of Students and/or General Counsel may also attend any oral hearing as an observer.



## 5. Procedures for an Appeal

- a. On receiving an appeal, the Appeals and Compliance Coordinator will be responsible for collecting and distributing documents to both parties and providing each party with the opportunity to respond to all relevant issues raised in any procedural request, appeal submission, response, the record, and the Student Conduct Officer's decision.
- b. As documents and materials become available, the Appeals and Compliance Coordinator will:
  - i. Provide to the appellant:
    1. Confirmation of receipt of the appeal;
    2. A list of on-campus resources;
    3. A copy of the record before the Student Conduct Officer and the opportunity to submit any supplemental appeal arguments and/or material arising from the record within 15 working days of receiving the record;
    4. The response to the appeal, and notice that the appellant may reply only to any new issues or materials contained in the response (appellant's reply) within 5 working days of receiving notice;
    5. The respondent's reply; and
    6. Any procedural requests from the appeal respondent and notice that the appellant may, within 5 working days of receiving notice, submit a response to the procedural request.
  - ii. Provide to the **appeal respondent**:
    1. The appeal, the record, and any supplemental appeal arguments and/or material submitted by the appellant (the full appeal);
    2. A list of on-campus resources;
    3. Notice that the response to the full appeal must be submitted within 15 working days of receiving the full appeal;
    4. If applicable, the appellant's reply, and notice that the appeal respondent may reply only to any new issues or materials contained in the appellant's reply within 5 working days (respondent's reply); and

5. Any procedural requests from the appellant and notice that the appeal respondent may reply to the procedural request within 5 working days.
- c. The appellant and appeal respondent must provide the name of their advisor to the Appeals and Compliance Coordinator.
  - d. The Appeals and Compliance Coordinator is responsible for organizing and administering the hearing. Accordingly, the Appeals and Compliance Coordinator will:
    - i. select a chair for the **hearing**;
    - ii. provide the parties with the name of the proposed chair and the names of all student members of the Appeal Panel;
    - iii. set the date(s) for the hearing in consultation with the Appeal Panel chair. Normally, hearings will be scheduled within 6 weeks from the date the appeal was received;
    - iv. where the hearing cannot be scheduled within the timeline noted above, give the parties written notice of the anticipated date for the hearing;
    - v. where both parties have appealed the decision, schedule both appeals to be heard together by the same Appeal Panel at a single hearing; and
    - vi. address any other matter for the purposes of organizing and administering the hearing.
  - e. The Appeals and Compliance Coordinator will constitute the Appeal Panel and provide its members and the parties with:
    - i. the date and time of the hearing;
    - ii. the decision of the Student Conduct Officer;
    - iii. the record on which the Student Conduct Officer decision was based; and
    - iv. all written appeal(s), supplementary appeal arguments and/or material, response(s) and any replies.
  - f. The Appeals and Compliance Coordinator will notify the parties of the date and time of the hearing.
  - g. The Appeals and Compliance Coordinator may take any other required steps in order to administer the appeal process.

## 6. Procedural Requests

- a. The chair will decide any procedural questions that arise both before and during the hearing, in consultation with the Appeals and Compliance Coordinator. The chair's decision on a procedural request will be decided in writing and may be made without an oral hearing. The chair's decision on a procedural request is final and binding.
- b. Procedural requests must be submitted in writing to the Appeals and Compliance Coordinator and include written reasons to support the request. Where the request affects the other party, the Appeals and Compliance Coordinator will notify the other party and allow them to respond or make submissions on the request before the chair makes a decision.
- c. Procedural requests include, but are not limited to:
  - i. Request that Appeal Panel chair or member not serve on Appeal Panel:
    1. After receiving the names of the Appeal Panel members, the parties will have 5 working days to submit a written request that the proposed Appeal Panel chair or member not serve on the appeal.
    2. These requests may be made only on the grounds that the proposed Appeal Panel chair or member may have a bias or conflict of interest that would prevent a fair hearing.
    3. If the request is granted, the Appeals and Compliance Coordinator will replace the proposed Appeal Panel chair or member with another member who will be selected by rotation from the same constituent group (i.e., academic staff, undergraduate student or graduate student).
  - ii. Request that sanctions be withheld until the appeal is decided:
    1. This request must be made within 5 working days from the date the appeal was submitted.
    2. If granted, the Appeals and Compliance Coordinator will direct the Registrar to:
      - a. remove any sanctions from the **central academic record**; and
      - b. withhold degrees, certification of marks and/or **transcripts** pending the outcome of the appeal.

3. Sanctions will be reinstated if the complaint respondent withdraws their appeal.
- iii. Requests for the Appeal Panel to consider new evidence or information that was not before the Student Conduct Officer in the record:
    1. The party making this request has the onus to establish that:
      - a. the new evidence or information is relevant; and
      - b. was not reasonably available at the time of the Student Conduct Officer hearing; and
      - c. they made the request as soon as possible after becoming aware of the new evidence or information.
    2. The chair may only grant this request where the test set out in (1) has been satisfied on a balance of probabilities
  - iv. Request to vary the format of the hearing(s):
    1. Appeal Panel hearings will normally be heard in writing but either party can request an oral hearing with the Appeal Panel.
    2. This request must be made well in advance of the date set for the hearing.
  - v. Request to extend any time limits set out in this procedure;
  - vi. Any other procedural request.

## **7. Procedures and Powers of the Panel**

- a. The Appeal Panel will consider the entire record, the parties' appeal, response and reply documents, and where applicable, the parties' oral statements made at the hearing before coming to a decision, by majority vote.
- b. In considering their decision, the Appeal Panel will show deference to the Student Conduct Officer's decision, particularly with respect to the Student Conduct Officer's findings of facts and, accordingly, may only overturn a decision of the Student Conduct Officer where it was made on the basis of an error or errors that would have had a material effect on the outcome.
- c. The Appeal Panel has the power to grant an appeal, in whole or in part, only where:
  - i. the appellant establishes that the Student Conduct Officer incorrectly

1. found or did not find a real and substantial link to or material effect on the learning environment;
  2. acted outside of their authority under the *Student Conduct Policy*;
  3. defined the elements of a violation; and/or
  4. other similar ground related to the application or interpretation of *Student Conduct Policy*.
- ii. the appellant establishes that the findings of facts made by the Student Conduct Officer contain errors, such as
1. making a finding of fact without any evidence;
  2. considering irrelevant facts;
  3. giving undue weight to certain facts;
  4. misapplying the facts to the elements of a violation in the *Student Conduct Policy*; and/or
  5. other similar ground related to the facts.
- iii. the appellant establishes that there was a breach of procedural fairness in the Student Conduct Officer hearing, such as
1. the appellant was not provided with the opportunity to respond to an allegation or adverse evidence;
  2. the Student Conduct Officer did not provide reasonable disclosure of the investigation report;
  3. the Student Conduct Officer was not impartial;
  4. the appellant was not provided with information about or sufficient opportunity to secure an advisor; and/or
  5. other similar ground related to procedural fairness.
- iv. In addition to (c) above, the Appeal Panel may grant an appeal of sanction made by the complaint respondent only where the appellant establishes that the Student Conduct Officer assigned a sanction(s) outside of a reasonable range, having regard to the nature of the violation and other relevant surrounding circumstances.

## Decision of the Appeal Panel

- d. Where the Appeal Panel grants an appeal, they have the power to do the following:
  - i. With respect to an appeal by the complainant, the Appeal Panel must remit the matter back to the Student Conduct Officer who made the decision or, where appropriate, a different Student Conduct Officer, to remedy the errors and issue a new decision.
  - ii. With respect to an appeal by the complaint respondent, the Appeal Panel may:
    - 1. grant the appeal and overturn the decision;
    - 2. grant the appeal and remit the matter back to the Student Conduct Officer who made the decision or, where appropriate, a different Student Conduct Officer, to remedy the errors and issue a new decision; or
    - 3. substitute a different sanction.
- e. The Appeal Panel does not have the power to overturn a consequence resulting from a failure to meet specified conduct conditions (see *Student Conduct Policy*, Schedule C, “Conduct Conditions”). Any appeal of conduct conditions must be made at the time the sanction is imposed and within the time limits set out in the *Student Misconduct Appeal Procedure*. If the conduct conditions are not met, no further appeal is available when the consequence is applied.
- f. The Appeal Panel’s decision is final and is not subject to any further review or reconsideration by any University person or body.
- g. The chair of the Appeal Panel will communicate the decision to the Appeals and Compliance Coordinator, who will, as soon as possible, relay the decision to the parties and their respective advisors.
- h. The chair will normally submit the Appeal Panel’s written reasons for the decision to the Appeals and Compliance Coordinator within 15 working days of reaching the decision. Where the written reasons are delayed, the Appeals and Compliance Coordinator will give written notice to the appellant and appeal respondent.

## 8. Service of Documents

- a. Any notices, communications, and appeal materials will be sent electronically using University accounts. See the *Electronic Communication Policy for Students and Applicants* in the *University Calendar*.

- b. On receiving the written decision, the Appeals and Compliance Coordinator will send a copy to the following individuals:
  - i. the appellant and appeal respondent, and their respective advisors;
  - ii. the Student Conduct Officer;
  - iii. the Vice-Provost and Dean of Students;
  - iv. the Office of General Counsel; and
  - v. members on the Appeal Panel.
  
- c. The Appeals and Compliance Coordinator may 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 student’s central academic record or transcript, the Appeals and Compliance Coordinator will inform the Office of the Registrar;
  - ii. where a sanction affects the student’s academic program, the Appeals and Compliance Coordinator will notify the respondent’s College or independent Faculty; and
  - iii. in programs jointly offered with another institution, the Appeals and Compliance Coordinator will provide a copy of the decision to the partner institution when the violation relates to the student’s conduct at that partner institution.

## Definitions

Any definitions listed in the following table apply to this document only with no implied or intended institution-wide use.	
<b>Party/Parties</b>	The appellant or appeal respondent under this procedure.
<b>Learning environment</b>	The learning environment is to be understood broadly to encompass all aspects of University life. It includes:

	<ul style="list-style-type: none"> <li>• physical and virtual spaces where University teaching, learning, work, research, residence, recreational and social activities take place;</li> <li>• 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.</li> </ul>
<b>Trauma-informed</b>	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.
<b>Complainant</b>	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. This individual can be the appellant or the appeal respondent.
<b>Complaint respondent</b>	A student who is the subject of a complaint under the <i>Student Conduct Policy</i> . This individual can be the appellant or the appeal respondent.
<b>Student Misconduct Appeal Panel</b>	The decision-making body authorized to hear appeals of the decision of the Student Conduct Officer.
<b>Appellant</b>	A person who appeals the decision of the Student Conduct Officer under this procedure.
<b>Record</b>	The materials on which a decision of the Student Conduct Officer was based. The record includes the investigation report, any materials, statements, or responses provided to the Student Conduct Officer that were relevant to the question of whether an individual was in violation of the <i>Student Conduct Policy</i> and any information or materials, statements, or responses related to the consideration of appropriate sanction(s).



<b>Appeals and Compliance Coordinator</b>	The person responsible for administration of the <i>Student Misconduct Appeal Procedure</i> .
<b>Appeal respondent</b>	The person who responds to an appeal under this procedure.
<b>Advisor</b>	A person who assists an appellant or appeal respondent during the appeal process. Assistance may be provided by the Office of the Student Ombuds, Student Legal Services, legal counsel or another advisor as the parties choose.
<b>Hearing</b>	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.
<b>Central academic record</b>	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.
<b>Transcript</b>	A student'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

### Sources of on-campus assistance

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- [Office of the Student Ombuds](#)
- [Student Legal Services](#)
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- [Graduate Students' Association \(GSA\)](#)

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### **Information**

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- [Electronic Communication Policy for Students and Applicants](#)

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## **CODE OF STUDENT BEHAVIOUR**

Note from University Governance: The *Post-Secondary Learning Act* gives General Faculties Council (GFC) responsibility, subject to the authority of the Board of Governors, over “academic affairs” (section 26(1)) and “general supervision of student affairs” (section 31), including authority concerning “student discipline.” GFC has thus established a Code of Student Behaviour, as set out below.

The complete wording of the section(s) of the *Post-Secondary Learning Act*, as referred to above, and any other related sections, should be checked in any instance where formal jurisdiction or delegation needs to be determined.



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## 30.1 Introduction

The University is defined by tradition as a community of people dedicated to the pursuit of truth and advancement of knowledge, ~~and as a place where there is freedom to teach, freedom to engage in research, freedom to create, freedom to learn, freedom to study, freedom to speak, freedom to associate, freedom to write and to publish. There is a concomitant obligation upon all members of the University community to respect these freedoms when they are exercised by others. For these freedoms to exist, it is essential to maintain an atmosphere in which the safety, the security, and the inherent dignity of each member of the community are recognized.~~

The enduring value of University life and of Degrees the University confers is ~~also~~ dependent upon the integrity of the teacher-Student learning relationship and upon the honesty and soundness of the evaluation process. Conduct by any member of the University Community that adversely affects this relationship or process must, therefore, be considered a serious offence.

Included in the *Code of Student Behaviour* are descriptions of unacceptable behaviour for Students in the University, the sanctions for commission of the offences, and explanations of the complete discipline and appeal processes. The definition of “Student” used in this document is a broad definition, one that includes current and former Students (see 30.2 for a definition of “Student”). Other members of the University Community, including Student Groups, are governed by other regulations. (GFC 03 FEB 2014)

~~The offences listed in the *Code of Student Behaviour* describe, in general terms, behaviours which if left unchecked would, to an unacceptable degree, infringe upon the freedoms described above and thus threaten the proper functioning of the University. Nothing in this Code shall be interpreted in such a way as to prohibit the activities or to violate the principles that are set out in the first paragraph of this section. Nothing in this Code shall be construed to prohibit peaceful assemblies and demonstrations, or lawful picketing, or to inhibit free speech. Nothing in this Code shall prevent the University from referring an individual matter to the appropriate law enforcement agency, should such action be considered necessary.~~

In order to protect the integrity of the Degrees conferred by the University, the University may suspend or rescind any Degree awarded to any graduate who, during the application process or while registered in a program or in a particular course in a program, commits an act of academic dishonesty which, if it had been detected before the granting of the Degree, would have resulted in a sanction sufficiently severe that the Degree would not have been granted.

~~The *Code of Student Behaviour* shall be followed in all cases of disciplinary action with Students except in situations where disruptive, threatening or violent conduct may inflict great harm to members of the University community or University property. In those cases the Protocol for Urgent Cases of Disruptive, Threatening or Violent Conduct (§ 91, General Faculties Council Policy Manual) will be followed before action is taken under the Code.~~

The Code of Applicant Behaviour provides charges, sanctions and procedures for application-related offences involving Applicants, as defined in section 11.8.3.4 of that Code. When a person registers for classes and has passed the Registration Deadline as published in the *University Calendar*, that person ceases to be an Applicant. Application-related offenses identified after the Registration Deadline will be administered under the Code of Student Behaviour. (EXEC 04 MAY 2009) (SCPC 25 JAN 2018)

The ~~Appeals Coordinator~~, Dean of Students, Office of the Student Ombuds, and Student Legal Services are available on-campus to provide assistance to Students about the discipline process.

(SCPC 25 JAN 2018)

### **30.1.1 Rights under the *Code of Student Behaviour***

- 30.1.1(1) Any Student who has been accused of having committed an offence under this Code has the right
- 30.1.1(1) a to choose whether or not to provide evidence and/or to be a witness in the case against themselves;
  - 30.1.1(1) b to be presumed not to have committed an offence until their commission of an offence has been established on the balance of probabilities, before an impartial and unbiased decision-maker;
  - 30.1.1(1) c to have their case adjudicated within a reasonable time;
  - 30.1.1(1) d to consult with an Advisor, to be accompanied and assisted at any investigative meeting with a Dean or Discipline Officer or UAB hearing by an Advisor, and to be advised of these rights;
  - 30.1.1(1) e to reasonable disclosure of the case of the person making the allegation against the Student within a reasonable time before the hearing of any appeal before the UAB;
  - 30.1.1(1) f to reasonable notice of the time, place, and nature of any investigative meeting or hearing;
  - 30.1.1(1) g to be given a reasonable opportunity to respond to any allegations before being found to have committed an offence under the Code;
  - 30.1.1(1) h in any appeal before the UAB, to present evidence, to call their own witnesses and to question any other witnesses called;
  - 30.1.1(1) i to be advised of the reasons for any decision made under this Code;

~~30.1.1(2) Any person who claims to have been physically injured, discriminated against or harassed, or who claims to have property damaged or stolen by a Student accused of an offence under this Code, whether or not that person is a Complainant, has the right;~~

~~30.1.1(2) a to be consulted before any informal resolution of any relevant charges against the Student is proposed to the Student;~~

~~30.1.1(2) b to provide evidence of any injury or damage for which Restitution may be an appropriate remedy and to have that evidence communicated to the appropriate decision-maker under this Code;~~

~~30.1.1(2) c to be informed of the time, date and place of any hearing respecting any relevant charges and to be consulted by the Dean or Director as to whether the person should be a witness at that hearing; and~~

~~30.1.1(2) d to be informed of the sanctions, if any, imposed on the Student in relation to any offence relevant to the person.~~

### **30.2 General Definitions**

Within the *Code of Student Behaviour*, the following words have been specifically defined. They appear in alphabetical order. (GFC 03 FEB 2014)

**30.2.1 Academic File.** The file detailing a Student's academic progress held in the office of the Faculty in which the Student is enrolled and, for graduate students, in the office of the Department (or in non-departmentalized Faculties, the Faculty) responsible for

delivery of the graduate program. (CLRC 24 MAY 2012)

- 30.2.2 Academic Staff Member.** A faculty member, as defined in the UAPPOL Recruitment Policy (Appendix A) Definition and Categories of Academic Staff and Colleagues, from Categories A1.1, A1.6, their counterparts in A1.5 and A1.7 or on a post-retirement contract.
- 30.2.3 Academic Standing.** “Academic Standing” means any matter covered in a Faculty’s academic standing regulations as approved by GFC, its Executive or the GFC Academic Standards Committee (ASC) and as published in the Calendar. Academic standing comprises such matters as continuation in a program, promotion, graduation, and the requirement for a student to withdraw. Unless stated otherwise, changes to academic standing regulations affect new students, continuing students, and students readmitted to a program or Faculty. Students should refer annually to the Calendar for the academic standing regulations governing their degree programs. (*University Calendar*) (CLRC 24 MAY 2012) (SCPC 25 JAN 2018)
- 30.2.4 Advisor.** A person who will assist the Appellant or the Respondent during the disciplinary process. Assistance may be provided by the Office of the Student Ombuds, Student Legal Services, legal counsel or another Advisor as the Appellant or Respondent choose. (SCPC 25 JAN 2018)
- 30.2.5 Appellant.** The individual who has appealed a discipline decision.
- 30.2.6 Appeals Coordinator.** The person or delegate responsible for administration of the University Appeal Board and related Student discipline procedures. The role of Appeals Coordinator is carried out by the Appeals and Compliance Officer, a position appointed by and reporting to the Head (or delegate) of University Governance. (CLRC 22 NOV 2012)
- 30.2.7 Application-Related Offence.** Any offence committed by a person related to the act of applying for admission or readmission to the University of Alberta. (EXEC 04 MAY 2009)
- 30.2.8 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. (CLRC 24 MAY 2012)
- 30.2.9 Class.** A formal period of instruction including, but not limited to: a lecture, a laboratory, a seminar, a tutorial, an examination, or a period of instruction within a field experience or an online course. (CLRC 25 APR 2013)
- 30.2.10 Code.** *Code of Student Behaviour.*
- 30.2.11 Complainant.** Any person who has reason to believe that a Student has committed an offence and who initiates a procedure under this Code. See 30.5.2.
- 30.2.12 Dean.** In cases in which there is an allegation of Inappropriate Academic Behaviour [30.3.2] in a course, “Dean” shall be interpreted as the Dean (or delegate) of the Faculty that offers the course in which that Student is alleged to have committed an Inappropriate Academic Behaviour offence, including a course designated as a capping exercise in a course-based master’s degree program. In all



other cases, including but not limited to offences related to programs of study, graduation, or graduate Student theses, “Dean” shall be interpreted as the Dean (or delegate) of the Faculty in which the Student is enrolled. In application-related cases, “Dean” shall be interpreted as the Dean of the Faculty to which the Student has applied. Where a Student has multiple concurrent applications, the Registrar shall recommend a Dean to deal with the case. In cases where the Student is not currently enrolled, the Vice-Provost and Dean of Students shall appoint a Dean to deal with the case. In cases where the Student is enrolled in Open Studies, “Dean” shall be interpreted as the Registrar (or delegate). (CLRC 27 MAY 2004)(EXEC 04 MAY 2009) (CLRC 22 NOV 2012)

**30.2.13 Degree.** Any Degree, diploma or certificate granted or awarded by the University.

~~**30.2.14 Director of UAPS.** Director of University of Alberta Protective Services or delegate.~~

**30.2.15 Discipline Officer.** The person responsible for reviewing all charges laid under the Code in which ~~a Unit Director recommends an Intermediate or Severe Sanction, a Dean recommends a Severe Sanction or the Director of UAPS recommends a sanction [30.4.3].~~ (CLRC 24 MAY 2012)

**30.2.16 Discipline File.** The file containing the disciplinary proceedings undertaken in relation to a Student, including but not limited to, the charges laid, the evidence collected, and the findings of the decision-maker. Discipline Files are held by Faculties, ~~Unit Directors, University of Alberta Protective Services,~~ Student Conduct and Accountability, and University Governance as provided for this Code. Discipline Files held by Faculty and Department offices must be kept separate from Academic Files, but in cases where a Student has been found to have committed an offence of Inappropriate Academic Behaviour, a copy of the final decision may be kept with the Student’s Academic File. (CLRC 24 MAY 2012) (CLRC 03 FEB 2016)

30.2.16(1) All Discipline Files are confidential, and the only persons having access to such records will be those directly concerned with the action, decided as follows:

- Faculties: The Dean shall determine access to Discipline Files held in the Faculty. (CLRC 24 MAY 2012)
- ~~• University of Alberta Protective Services: The Director shall determine access to Discipline Files held by University of Alberta Protective Services. (CLRC 24 MAY 2012)~~
- ~~• Units: The Director shall determine access to Discipline Files held by the unit. (CLRC 24 MAY 2012)~~
- Discipline Officer: The Discipline Officer shall determine access to Discipline Files. (CLRC 24 MAY 2012)
- University Governance: The Head (or delegate) of University Governance shall determine access to Discipline Files held by University Governance. (CLRC 24 MAY 2012)
- The Provost or delegate shall:
  - 1. Have access to all student records including the Academic File and any Discipline File** held by a Faculty, Department or unit, Student Conduct and Accountability, the Office of the Registrar or University Governance in an instance where the Provost has invoked, or is considering invoking, the Protocol For Urgent Cases of Disruptive, Threatening or Violent Conduct (Section 91); (EXEC 03 MAY 2004) (BHRCC 05 MAY 2004) (CLRC 24

MAY 2012) (CLRC 03 FEB 2016)

**2. Intervene in a case** concerning the Code in a case being heard, already heard, or about to be heard by the UAB or the GFC PRB in an instance where the Provost has invoked, or is considering invoking, the Protocol For Urgent Cases of Disruptive, Threatening or Violent Conduct (Section 91). (EXEC 03 MAY 2004) (BHRCC 05 MAY 2004) (SCPC 25 JAN 2018)

~~30.2.17 **Facilities.** The term “Facilities” includes but is not limited to buildings, parking lots, athletic fields, campus buildings, and campus areas.~~

~~30.2.18 **Financial Services.** University of Alberta Financial Services.~~

**30.2.19 GFC.** General Faculties Council.

**30.2.20 GFC PRB.** General Faculties Council Practice Review Board as prescribed within the Practicum Intervention Policy. (SCPC 25 JAN 2018)

**30.2.21 Graduate Coordinator.** The graduate coordinator is the tenured or tenure-track professor designated by a department (or Faculty if non-departmentalized) as the official representative of the department (or Faculty) to the students enrolled in that department's (or Faculty's) graduate program. Graduate coordinators are known by various designations, including Director, Associate Chair (Graduate Studies), and Associate Dean (Graduate Studies). (CLRC 24 MAY 2012)

**30.2.22 Instructor.** The term “Instructor” includes the person charged with the responsibility for conducting a Class, the person charged with the responsibility for supervising or evaluating a capping exercise, thesis or research project, or the person charged with the responsibility of supervising a Student’s work conducted in a laboratory. (CLRC 24 MAY 2012)

~~30.2.23 **Malicious Code.** Software that has been written specifically to do something unexpected (usually, but not always, undesirable or destructive) to another user's computer and/or data.~~

**30.2.24 Negative Service Indicator.** A transitory notation that can be placed on a student’s Central Academic Record during the period it is in effect. Service indicators assist staff in the provision or restriction of services but do not appear on a Transcript. Negative Service Indicators can be used for financial, disciplinary or other extraordinary matters. Examples include but are not limited to: parking fines, library fines, disciplinary fines, orders of restitution, suspension, and exclusions. (CLRC 24 MAY 2012)

**30.2.25 Office of the Student Ombuds.** Ombuds services for undergraduate and graduate Students. (SCPC 25 JAN 2018)

**30.2.26 Panel.** The UAB members constituted from the Panel of Chairs and Panel of Students to hear an appeal as set in these regulations. (CLRC 24 MAY 2012)

**30.2.27 Practicum Placement.** Any placement (volunteer or otherwise) which is part of a Student's academic program and which places or may place the Student in contact with the public. Practicum Placements include, but are not limited to, hospital rotations or other clinical placements in the disciplines of medicine, dentistry, pharmacy, nursing, and rehabilitation medicine, education placements in schools, and placements in co-operative work settings.

- 30.2.28 Professional Code of Ethics.** All provincial and federal Codes of Ethics or Codes of Conduct governing the relevant profession and the practice of its discipline.
- 30.2.29 Professional Programs.** Academic programs that prepare Students for vocations where the right to practice is dependent on membership in a specialist occupational organization. Examples include but are not limited to dentists, dental hygienists, lawyers, medical laboratory technicians, nurses, occupational therapists, pharmacists, physicians, physical therapists, speech language pathologists, and teachers.
- 30.2.30 Registrar.** The University Official invested with custody of Students' Central Academic Records.
- 30.2.31 Respondent.** The person(s) who replies to an appeal.
- 30.2.32 Student(s).** 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, former Students, and graduates who have received a Degree, diploma or certificate from the University. (BG 12 MAY 2006) (GFC 03 FEB 2014)
- 30.2.33 Transcript.** A Student'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*. (CLRC 24 MAY 2012) (SCPC 25 JAN 2018)
- 30.2.34 UAB.** University Appeal Board as prescribed within the Code of Student Behaviour. (SCPC 25 JAN 2018)
- ~~**30.2.35 Unit Director.** The director or delegate of specific University services or resources including but not limited to Ancillary Services, Academic Information and Communication Technologies, University Libraries, University Recreational Facilities, and the University Bookstore. (CLRC 03 MAR 2005)~~
- 30.2.36 University Activities.** "University Activities" include but are not limited to, teaching, research, studying, administration, meetings, and public service.
- 30.2.37 University Community.** "University Community" includes those who are employed by the University, who are officially associated with the University, and those who are Students, former Students, or alumni of the University.
- 30.2.38 University Officials.** "University Officials" are those individuals who in the ordinary course of their duties have the authority to limit access to University Facilities and/or property and include but are not limited to Deans, Department Chairs, Unit Directors, Discipline and Deputy Discipline Officers, Instructors, members of University of Alberta Protective Services, Ancillary Services staff, and Building Services staff. (CLRC 03 MAR 2005)
- 30.2.39 University-related Functions.** "University-related Functions" include, but are not limited to activities occurring in the course of work or study assignments inside or outside the University; at work or study-related conferences or training sessions; during work or study-related travel; during events such as public lectures, performances, social or sports activities; or over the telephone or computer.
- 30.2.40 University Supplies and Documents.** "University Supplies and Documents" include

but are not limited to equipment, keys, records, insignias, stationery, forms and permits.

**30.2.41 Working Day or Business Day.** “Working Day” or “Business Day” is defined as a day on which University administrative offices are open. For the purposes of these regulations, the day preceding the Christmas holiday period shall not be considered a Working Day for appeal deadlines. (CLRC 24 MAY 2012)

### **30.3 Offences under the Code**

#### **30.3.1 Application**

30.3.1(1) This Code applies to all conduct by a Student or by Students, by any means whatsoever, (including but not limited to internet forums, electronic communications or other media) that has a real and substantial link to the University, or the Student's academic program, activities or submissions. ~~University Activities, the University Community, or University-related Functions, whether or not the conduct occurred on or in relation to University property.~~ (CLRC 22 MAR 2012)

30.3.1(2) The determination of whether any conduct does have such a real and substantial link may be made by any person or body authorized to make decisions in the disciplinary and appeal processes set out in this Code, and this determination may be appealed as part of an appeal provided for by this Code.

~~30.3.1(3) All Students living in or attending at a University residence are subject to the Code, as well as to the rules, regulations and community standards of that residence and regulations in force including any amendments posted at the business office of the residence or in the areas affected. The authority given to the Director of Residence Services or delegate under 30.5.5 is not intended to supersede or undermine the authority of the University as landlord or the restorative processes under the Residence Community Standards. (CLRC 27 MAY 2004) (CLRC 24 NOV 2011)~~

~~30.3.1(4) All persons owning, operating or parking vehicles on University property are subject to the current Traffic and Parking Regulations of the University of Alberta. Information about Traffic and Parking Regulations in force, including any amendments, may be secured from Parking Services. Fines and sanctions specific to all parking violations are administered by Parking Services and may be appealed through the Parking Appeals Officer.~~

~~30.3.1(5) All Students are subject to the regulations of the University Libraries that are available in all Libraries. Fines and sanctions specific to library use are administered by the University Libraries and may be appealed at the circulation desk in the Library in which the material in question is located.~~

~~30.3.1(6) All Students are subject to the regulations of Academic Information and Communication Technologies that are available from Academic Information and Communication Technologies. Fines and sanctions specific to computing and internet use are administered by Academic Information and Communication Technologies and may be appealed through the Director of Academic Information and Communication Technologies.~~

#### **30.3.2 Inappropriate Academic Behaviour**

##### **30.3.2(1) Plagiarism**

No Student shall submit the words, ideas, images or data of another person as the Student's own in any academic writing, essay, thesis, project, assignment, presentation or poster in a course or program of study.

### 30.3.2(2) **Cheating**

30.3.2(2) a No Student shall in the course of an examination or other similar activity, obtain or attempt to obtain information from another Student or other unauthorized source, give or attempt to give information to another Student, or use, attempt to use or possess for the purposes of use any unauthorized material.

30.3.2(2) b No Student shall represent or attempt to represent themselves as another nor shall a Student attempt to have themselves represented by another in the taking of an examination, preparation of a paper or other similar activity. See also misrepresentation in 30.3.6(4).

30.3.2(2) c No Student shall represent another's substantial editorial or compositional assistance on an assignment as the Student's own work.

30.3.2(2) d No Student shall submit in any course or program of study, without the written approval of the course Instructor, all or a substantial portion of any academic writing, essay, thesis, research report, project, assignment, presentation or poster for which credit has previously been obtained by the Student or which has been or is being submitted by the Student in another course or program of study in the University or elsewhere.

30.3.2(2) e No Student shall submit in any course or program of study any academic writing, essay, thesis, report, project, assignment, presentation or poster containing a statement of fact known by the Student to be false or a reference to a source the Student knows to contain fabricated claims (unless acknowledged by the Student), or a fabricated reference to a source.

### 30.3.2(3) **Misuse of Confidential Materials**

No Student shall procure, distribute, or receive any confidential academic material such as pending examinations, laboratory results or the contents thereof from any source without prior and express consent of the Instructor.

### 30.3.2(4) **Research and Scholarship Misconduct**

30.3.2(4) a No Student shall violate the University of Alberta Research and Scholarship Integrity Policy, as set out in the Research and Scholarship Integrity Policy in UAPPOL or any other University regulation concerning academic matters. (CLRC 24 MAY 2012)

30.3.2(4) b Where a Student is charged with the academic offence of research and scholarship misconduct, the procedure to follow is that outlined below. (CLRC 24 MAY 2012) (EXEC 12 NOV 2014)

## 30.3.3 **Inappropriate Behaviour in Professional Programs**

30.3.3(1) A Student enrolled in Professional Programs is bound by and shall comply with the Professional Code of Ethics governing that profession and the practice of its discipline.

30.3.3(2) It shall be the responsibility of each student in a Professional Program to obtain, and be familiar with, the Professional Code of Ethics relevant to the discipline and all amendments thereto as may be made from time to time. (BG 12 MAY 2008)

- 30.3.3(3) A Student enrolled in a Professional Program who contravenes the Professional Code of Ethics governing the profession and the practice of its discipline commits an offence under this Code when, at the time of the alleged offence, the Student is involved in a Practicum Placement related to a course of study in a Professional Program. (BG 12 MAY 2008)
- 30.3.3(4) The following behaviour by any Student in a Practicum Placement is unprofessional conduct, and an offence under this Code:
- 30.3.3(4) a all attempts at deliberately falsifying patient, pupil or client records including forging Instructor signatures;
  - 30.3.3(4) b falsifying financial records related to patient treatment procedures or client services;
  - 30.3.3(4) c misrepresenting patient treatment, instructional activities or client services to officials of the practicum site or to third parties, such as insurance carriers;
  - 30.3.3(4) d careless or negligent behaviour resulting in unnecessary physical and/or mental harm to patients, pupils or clients;
  - 30.3.3(4) e obtaining or attempting to obtain favours, gifts, payments, pharmaceuticals or other consideration from patients, pupils, clients or third parties;
  - 30.3.3(4) f representing one's education, qualifications or competence in a way that is false or misleading.
  - 30.3.3(4) g operating outside of scope of practice. (BG 12 MAY 2008)
- 30.3.3(5) When proceedings have been initiated against a Student under this Code and separate proceedings are commenced against the same Student relating to the same cause or matter under a Professional Code of Ethics, the Dean may stay proceedings under this Code pending the outcome of the proceedings brought pursuant to the Professional Code of Ethics.
- 30.3.3(6) Appeals of Code decisions concerning unprofessional conduct or contraventions of Professional Codes of Ethics that would otherwise be heard by the UAB shall instead be heard by a General Faculties Council Practice Review Board (GFC PRB) as constituted under the Practicum Intervention Policy. (BG 12 MAY 2008) (SCPC 25 JAN 2018)
- 30.3.3(7) In hearing appeals as provided for in the Code, the GFC PRB shall have all of the powers of the UAB and shall follow the same procedures of the UAB as provided for in this Code. (BG 12 MAY 2008) (SCPC 25 JAN 2018)
- 30.3.3(8) Any appeals of Code charges that accompanied a Practicum Intervention under the Practicum Intervention Policy shall be stayed and held in abeyance as may be necessary in order that the appeals can be conjoined and be heard and determined at the same time by the GFC PRB. (BG 12 MAY 2008) (SCPC 25 JAN 2018)

### ~~30.3.4 — Inappropriate Behaviour towards Individuals or Groups~~

#### ~~30.3.4(1) — Disruption~~

- ~~30.3.4(1) a — No Student shall disrupt a Class in such a way that interferes with the normal process of the session or the learning of other Students.~~

- ~~30.3.4(1) b — No Student shall, by action, words, written material, or by any means whatsoever, obstruct University Activities or University-related Functions.~~
- ~~30.3.4(1) c — No Student shall use words that incite others to behaviour that is inappropriate to members of the University Community, whether or not in connection with a demonstration, rally or picketing.~~
- ~~30.3.4(2) — **Discrimination**~~
- ~~30.3.4(2) a — No Student shall discriminate against any person or group of persons while participating in University Activities or University-related Functions. Discrimination is defined in the Discrimination, Harassment and Duty to Accommodate Policy in UAPPOL. (CLRC 25 APR 2013)~~
- ~~<https://policiesonline.ualberta.ca/PoliciesProcedures/Pages/DispPol.aspx?PID=110>~~
- ~~30.3.4(3) — **Dissemination of Malicious Material**~~
- ~~No Student shall disseminate or cause to be disseminated malicious or defamatory material or engage in activity which creates a social or academic climate that hinders or prevents the full participation of another person or group in the life of the University.~~
- ~~30.3.4(4) — **Retaliation**~~
- ~~No Student shall retaliate against any Complainant who has reported the Student for an offence under the Code or against any other person who has provided information served as a witness or acted in an official capacity in the discipline process. (EXEC 7 JAN 2008)~~
- ~~30.3.4(5) — **Unfounded Allegations**~~
- ~~No Student shall make any complaint against any other member of the University Community or cause any steps to be taken concerning any other member of the University Community unless the Student believes, on reasonable grounds, that the other member of the University Community has committed an offence under this Code or engaged in conduct warranting a complaint.~~
- ~~30.3.4(6) — **Violations of Safety or Dignity**~~
- ~~30.3.4(6) a — No Student shall have sexual or physical contact with another person without that person's consent.~~
- ~~30.3.4(6) b — No Student shall physically abuse another person, threaten any other person with physical abuse or cause any other person to fear physical abuse.~~
- ~~30.3.4(6) c — No Student shall create a condition which endangers or potentially endangers or threatens the health, safety or well being of other persons.~~
- ~~30.3.4(6) d — No Student shall harass another person. Harassment is defined in the Discrimination, Harassment and Duty to Accommodate Policy in UAPPOL, and includes Bullying, Sexual Harassment and Racial Harassment. (CLRC 25 APR 2013) (SCPC 25 JAN 2018)~~
- ~~<https://policiesonline.ualberta.ca/PoliciesProcedures/Pages/DispPol.aspx?PID=110>~~
- ~~30.3.4(6) e — No Student shall use words which threaten violence or physical abuse to any group or individual whether or not the group or individual thus threatened knows of such threatening words and whether or not the words are employed in connection with a demonstration, rally or picketing.~~

~~30.3.4(6) f — No Student shall possess any weapon, unless authorized by UofA Protective Services~~

~~A weapon is:~~

- ~~a) a firearm, ammunition, air gun, explosive device or their replicas;~~
- ~~b) other items prohibited by law in Canada or their replicas (examples include but are not limited to: brass knuckles, pepper spray, switchblade knives, butterfly knives, nunchucks). (BG 08 MAY 2020)~~

### ~~30.3.4(7) — Hazing~~

~~30.3.4(7) a — No Student shall organize, participate or engage in the hazing of another person, regardless of whether the individual who is the subject of the hazing has consented to participate in or be subjected to the activities in question, or whether the activities in question constitute a ritual or tradition of an organization. (EXEC 02 APR 2012)~~

~~30.3.4(7) b — “Hazing” means the creation of an environment or any intentional, reckless or negligent act, by a Student, that occurs on or off University property, that~~

~~i. endangers the physical health, mental health or safety of another person; or~~

~~ii. produces physical or mental discomfort, embarrassment, humiliation, harassment, or ridicule; or~~

~~iii. results in the destruction, damage or removal of any public or private property; or~~

~~iv. causes, induces, pressures, coerces, or requires another person to violate any federal, provincial, municipal or University regulations;~~

~~for purposes that include, but are not limited to, initial or continued admission, affiliation or initiation with any Student Group, athletic team, or any formal or informal organization in the University Community. Examples of hazing include, but are not limited to: any brutality of a physical nature, such as whipping, beating, branding, paddling, or electric shocks, exercise not legitimately related to a sport, forced consumption of alcohol or other substances, inappropriate exposure to the elements, compulsory nudity or immodest dress, transportation and abandonment, threats or implied threats, verbal abuse, physical or psychological abuse, sleep deprivation, physical confinement, coerced hazing of another, compulsory servitude, degrading activities, sexual simulation, sexual assault, or theft or misuse of others’ property. (EXEC 02 APR 2012)~~

### ~~30.3.5 — Inappropriate Use of University Property and Resources~~

#### ~~30.3.5(1) — Damage to Property~~

~~30.3.5(1) a — No Student shall possess, misappropriate, convert, destroy or otherwise damage University property or the property of any other member of the University Community.~~

~~30.3.5(1) b — No Student shall deface the inside or outside of any building or property of the University.~~

~~30.3.5(1) c — No Student shall, without authority, make, alter, use, receive, or possess~~



~~University supplies or documents.~~

~~30.3.5(1) d — No Student shall remove books or other library material from a University library without proper authorization, mutilate or deface library books or material, purposely misplace them or in any other way purposely deprive other members of the University Community of the opportunity to have access to library resources.~~

### ~~30.3.5(2) — Unauthorized Use of Facilities, Equipment, Materials, Services or Resources~~

~~30.3.5(2) a — No Student shall use any facility, equipment, material, service or resource contrary to express instructions or without proper authority. (GFC 03 FEB 2014)~~

~~30.3.5(2) b — No Student shall enter or remain in any University building, facility, room, or office, without the proper authority, contrary to express instructions or with intent to damage, destroy, convert or misappropriate University property.~~

~~30.3.5(2) c — No Student shall obtain any University equipment, material, service or resource by fraudulent means or by providing false information.~~

~~30.3.5(2) d — No Student shall use any University computer or computer related facility without proper authorization or in contravention of the conditions for use of University computer or computer related Facilities.~~

~~30.3.5(2) e — No Student shall introduce any Malicious Code on any University computer or use any University computer to develop, modify, mutate, disseminate, propagate or release any Malicious Code.~~

## **30.3.6 Other Offences**

### ~~30.3.6(1) — Alcohol Provision and Consumption~~

~~30.3.6(1) a — No Student shall consume or serve alcohol on University property other than in licensed premises, at a University function with a valid permit issued by Ancillary Services or in accordance with regulations pertaining to University residences.~~

~~30.3.6(1) b — No Student shall violate the regulations regarding alcohol use set forth in the UAPPOL Alcohol Policy. (GFC 03 FEB 2014)~~

~~30.3.6(1) c — No Student shall violate Alberta's Gaming, Liquor and Cannabis Regulation regarding the use of alcohol on campus. These regulations must be posted at any function serving alcohol on campus. (SCPC 25 JAN 2018)(SCPC 11 APR 2019)~~

### ~~30.3.6(2) — Breach of Rules External to the Code~~

~~30.3.6(2) a — No Student shall engage in conduct that violates any municipal by-law, Provincial or Federal statute or regulation, or University regulation (Rules External to the Code). Conduct that breaches Rules External to the Code shall be deemed to be an offence under this Code and shall be subject to the disciplinary and appeal processes set out in this Code, if the conduct has a real and substantial link to the University, University Activities, the University~~

~~Community, or University-related Functions, whether or not the conduct occurred on or in relation to University property.~~

~~30.3.6(2) b — The determination of whether any conduct has such a real and substantial link may be made by any person or body authorized to make decisions in the disciplinary and appeal processes set out in this Code, and this determination may be appealed as part of an appeal provided for by this Code.~~

~~30.3.6(2) c — The determination of whether a Student has breached Rules External to the Code may be made by any decision maker under this Code, and this determination may be appealed as part of an appeal provided for by this Code.~~

~~30.3.6(2) d — The determination referred to in 30.3.6(2) c shall be made in accordance with the rules of evidence and the burdens of proof specified in this Code. If, however, a person, court, tribunal, or other decision-making body with jurisdiction over an alleged Breach of Rules External to the Code has ruled that the Student did or did not commit a violation,~~

~~30.3.6(2) d.i — evidence of that ruling, in any form satisfactory to the decision maker, may be introduced as evidence that the Student did or did not (as the case may be) commit an offence for the purposes of this Code; and~~

~~30.3.6(2) d.ii — the decision maker shall accord such weight to the evidence of the ruling as the decision maker considers appropriate in the circumstances.~~

~~30.3.6(2) e — A Student who has been found to have committed an offence may receive a sanction under both the Code and Rules External to the Code.~~

### ~~30.3.6(3) — Identification~~

~~No Student shall refuse to provide identification upon request by a University Official or employee acting in the course of that person's duties, provided the University Official or employee has reason to believe the Student is committing, has committed or is about to commit an offence.~~

### 30.3.6(4) **Misrepresentation of Facts**

No Student shall misrepresent pertinent facts to any member of the University community for the purpose of obtaining academic ~~or other~~ advantage. This includes such acts as the failure to provide pertinent information on an application for admission or the altering of an educational document/transcript. (EXEC 04 MAY 2009)

### 30.3.6(5) **Participation in an Offence**

No Student shall counsel or encourage or knowingly aid or assist, directly or indirectly, another person in the commission of any offence under this Code.

### ~~30.3.6(6) — Smoking~~

~~No Student shall smoke at any time in any area of the University where smoking is banned. (CLRC 25 APR 2013)~~

### 30.3.6(7) **Bribery**

No Student shall offer or provide a monetary or other benefit to any member of the University for the purpose of gaining academic ~~or other~~ advantage. (GFC 24 SEP 2007)

## **30.4 Sanctions and their Impact**

### **30.4.1 General Provisions**

Different members of the University have the authority to decide that a Student has breached the Code and to set a sanction. ~~Unit Directors may impose Minor Sanctions for specific breaches that occur within their unit and may recommend that the Discipline Officer impose Intermediate or Severe Sanctions. The Director of UAPS may recommend that the Discipline Officer impose Minor, Intermediate or Severe Sanctions.~~ Deans have the authority to set Minor or Intermediate Sanctions and may recommend that the Discipline Officer impose Severe Sanctions. The Discipline Officer and the UAB have the authority to set Minor, Intermediate, or Severe Sanctions.

30.4.1(1) In determining both the length and/or the effective date of a sanction, a decision-maker imposing the sanction shall take into account the impact of the sanction on the Student's academic program and record.

30.4.1(2) Any sanction shall take effect on the date of the decision unless it is noted in the decision that the sanction shall take effect at another time. Any change to a sanction as a result of an appeal (the removal of, increase in or addition to a sanction) shall take effect according to specified instructions in the written appeal decision. (CLRC 24 MAY 2012)

30.4.1(3) The Office of the Registrar shall note Encumbrances, grade changes (including notations of NC) Suspensions, Expulsions, or Suspensions or Rescissions of Degrees on a Student's Transcript. Encumbrances, Exclusions and Suspensions of Essential and Non-Essential Services will be noted as a Negative Service Indicator in the Student's Central Academic Record. For tracking purposes, any sanction noted on the Transcript will also be noted as a Negative Service Indicator in the Student's Central Academic Record. (CLRC 24 MAY 2012) (GFC 03 FEB 2014)

30.4.1(4) At the decision maker's discretion, the decision maker may disclose decisions under this Code, or portions thereof, on a need to know basis, for the purpose of administering a Student's academic or other program. (CLRC 24 MAY 2012)

~~30.4.1(5) If a Student has engaged in conduct for which the Student has received a sanction by a person, court, tribunal or other decision making body pursuant to Rules External to the Code (including but not limited to University of Alberta Library, Parking or Residence Regulations), and the conduct is found to be an offence under this Code then the Student may receive a sanction under this Code, in addition to the sanction imposed pursuant to the Breach of Rules External to the Code [30.3.6(2)].~~

### **30.4.2 Types of Sanctions**

~~30.4.2(1) Deleted (CLRC 22 NOV 2007) (SCPC 25 JAN 2018)~~

#### **30.4.2(2) Conduct Probation**

30.4.2(2) a "Conduct Probation" is an order that a Student comply with prescribed conditions for a specified time, not to exceed the duration of the Student's degree program. (CLRC 24 MAY 2012)

30.4.2(2) b The conditions that may be prescribed in Conduct Probation include the following:

- 30.4.2(2) b.i not to commit any further offences during the term of Conduct Probation;
- 30.4.2(2) b.ii to report at specified periods to a specified University Official;
- ~~30.4.2(2) b.iii to abstain from the consumption of alcohol, drugs (except in accordance with a medical prescription), or other intoxicating substances while on University property;~~
- ~~30.4.2(2) b.iv to perform up to 100 hours of Community Service over a period not exceeding 12 months;~~
- 30.4.2(2) b.v to prepare a paper or essay on a topic relevant to the offence that the Student was found to have committed;
- 30.4.2(2) b.vi to write a letter of apology;
- ~~30.4.2(2) b.vii to refrain from contact with an identified person or persons;~~
- ~~30.4.2(2) b.viii to refrain from being at or being within a specified distance from a specified place or person on University property; and/or~~
- 30.4.2(2) b.ix such other reasonable conditions considered desirable ~~for protecting the University Community;~~ for encouraging the Student to take responsibility for the Offence, or for rehabilitating the Student, ~~and for ensuring that the Student provides reparation for harm done to the University Community, to University property or the property of others.~~
- 30.4.2(2) c An order of Conduct Probation shall specify whether the Dean, ~~Director of UAPS~~ or Discipline Officer has the responsibility to ensure that the terms of the Conduct Probation are performed and to certify, when and as necessary, that the terms of the Conduct Probation have been met to a reasonable standard of performance or have been breached.
- 30.4.2(2) d An order of Conduct Probation shall specify a sanction to be imposed should the Student breach the conditions of Conduct Probation.
- 30.4.2(2) e The sanction of Conduct Probation and particulars relating thereto shall be kept in the Discipline File of the office of the Dean of the Faculty in which the offence occurred or the Discipline Officer, whichever one will be monitoring the order of Conduct Probation. In the case of Conduct Probation imposed by the University Appeal Board, the sanction and particulars thereto shall also be kept in the Discipline File held by University Governance. (CLRC 24 MAY 2012) (GFC 03 FEB 2014)
- 30.4.2(2) f In the case of an order of Conduct Probation resulting from a charge of Inappropriate Academic Behaviour, Misrepresentation of Facts, Participation in an Offence or Bribery related to Inappropriate Academic Behaviour, or where the offence has a significant connection to the Student's academic program, the Dean, Discipline Officer or UAB may direct the Office of the Registrar to place a notation on the Student's Transcript indicating "Inappropriate Academic Behaviour." The notation may remain on the Transcript for a period not to exceed the duration of the Student's degree program. (CLRC 24 MAY 2012)
- 30.4.2(2) g Any new offence that constitutes a breach of the prescribed conditions of Conduct Probation during the defined period may lead to additional charges under this Code.

### **30.4.2(3) — Encumbrance**

~~30.4.2(3) a — An “Encumbrance” is a notation by the Registrar in the form of a Negative Service Indicator on a Student’s Central Academic Record that results in the withholding of Student grades or other indicators of academic attainment, withholding of transcripts, denial or termination of registration until the Registrar is provided with: (CLRC 24 MAY 2012)~~

~~30.4.2(3) a.i — proof that a specified Fine has been paid to Financial Services or that arrangements satisfactory to the University have been made to do so; or~~

~~30.4.2(3) a.ii — proof that Restitution has been made to the satisfaction of the University of Alberta.~~

~~(SCPC 25 JAN 2018)~~

### **30.4.2(4) — Exclusion**

~~30.4.2(4) a — “Exclusion” prohibits or restricts the Student's presence on campus and participation in any Class, University activity or Student affair for either a specified time or for an indefinite period of time. A Student may be excluded from all or a specified part of the University.~~

~~30.4.2(4) b — In cases of Exclusion when a specified time period for the Exclusion is noted, then the Exclusion shall appear as a Negative Service Indicator on the Student’s Central Academic record until the period of Exclusion has expired. (CLRC 24 MAY 2012)~~

~~30.4.2(4) c — In the case of Exclusion when no time limit is indicated, an entry shall appear as a Negative Service Indicator on the Student’s Central Academic Record indefinitely or until such time as the Student has met any conditions set for return to the University. (CLRC 24 MAY 2012)~~

~~30.4.2(4) d — In all cases of Exclusion, the notation will include a description of the areas of the University from which the Student is barred (all of the University or specified areas).~~

~~30.4.2(4) e — A Student shall receive credit for any course passed before the effective date of the Exclusion.~~

~~30.4.2(4) f — Withdrawals resulting from a decision of Exclusion will show as grades of "W" on the Transcript and will remain part of the Central Academic Record. (CLRC 24 MAY 2012)~~

~~30.4.2(4) g — If a Student is Excluded from the University the fee refund dates outlined in the *University Calendar* shall apply. (SCPC 25 JAN 2018)~~

### **30.4.2(5) — Expulsion**

30.4.2(5) a “Expulsion” requires a Student to withdraw completely from the University for an indefinite period of time. The Student shall not be permitted to return without the approval in writing of the Provost and Vice-President (Academic) in consultation with the Faculty from which the Student was expelled. Such approval shall not be given before the expiry of four years.

30.4.2(5) b Any course work completed at any institution during the period of Expulsion will not be accepted as credit towards a Student’s Degree, or for admission to a Degree program, or other certification at the University of Alberta.

- 30.4.2(5) c Expulsion shall be noted in the Student's Academic File in the Faculty in which a Student is registered, as a Negative Service Indicator in the Student's Central Academic Record and on the Student's Transcript in perpetuity or until such time as the Student is readmitted to the University. (CLRC 24 MAY 2012)
- 30.4.2(5) d A Student shall receive credit for any course passed before the effective date of the Expulsion.
- 30.4.2(5) e Withdrawals resulting from a decision of Expulsion will show as grades of "W" on the Student's Transcript and will remain part of the Student's Central Academic Record. (CLRC 24 MAY 2012)
- 30.4.2(5) f A Student is deemed to have withdrawn from all courses as of the date of Expulsion; the fee refund dates outlined in the *University Calendar* shall apply. (CLRC 26 SEP 2002) (SCPC 25 JAN 2018)

**~~30.4.2(6) — Fine~~**

- ~~30.4.2(6) a — A "Fine" means an order for payment of a specified sum by the Student to Financial Services. Funds from Fines shall be used for Student bursaries.~~
- ~~30.4.2(6) b — If the Student and the University agree, a Fine may be paid in whole or in part by the provision of services by the Student to the University. The nature of the services shall be agreed upon by the University and the Student. Calculation of the value of the services shall be in accordance with the rate normally paid for persons who ordinarily perform the service.~~
- ~~30.4.2(6) c — The Student's Central Academic Record is encumbered until the amount is paid in full. (CLRC 24 MAY 2012) (GFC 03 FEB 2014)~~

**30.4.2(7) Grade Reduction, Grade of F or NC in a course (CLRC 27 MAR 2003)  
(CLRC 24 MAY 2012)**

- 30.4.2(7) a Marks for an assignment(s) or the grade for a course may be reduced as a sanction for Inappropriate Academic Behaviour. The final grade may or may not be accompanied by a remark, indicating Inappropriate Academic Behaviour. The Student's grade in the course or grade point average may, as a consequence, be substantially reduced. (CLRC 27 MAR 2003)
- 30.4.2(7) b A grade of F for graded courses or NC for non-graded courses may be assigned as a sanction for Inappropriate Academic Behaviour. The grade may or may not be accompanied by a remark, indicating Inappropriate Academic Behaviour. (CLRC 27 MAR 2003) (CLRC 24 MAY 2012)
- 30.4.2(7) c Grade reductions and a grade of F resulting from discipline decisions shall be calculated into the Student's GPA. Mark reductions, reductions in final course grades and a grade of F may result in a Student being required to withdraw from their program. (CLRC 27 MAR 2003)
- 30.4.2(7) d The remark on a transcript of 8 (or 9 for failing graduate student grades), indicating Inappropriate Academic Behaviour, shall remain on the Student's Transcript for a period of 2 years from the end date of the term for the relevant course. After that time, the remark of 8 or 9 is removed. (CLRC 27 MAR 2003) (CLRC 25 NOV 2004) (CLRC 24 MAY 2012) (SCPC 25 JAN 2018)
- 30.4.2(7) e Any documentation relating to grade changes resulting from a sanction under this Code may be retained in the Academic File. (CLRC 24 MAY 2012)

**30.4.2(8) Refusal to Consider Applications (EXEC 04 MAY 2009)**

30.4.2(8) a Refusal to consider applications for admission to the University for up to 5 years.

Where a sanction of refusal to consider applications has been imposed, such refusal shall be noted as a Negative Service Indicator on the Student's Central Academic Record until the sanction expires. (CLRC 24 MAY 2012)

30.4.2(8) b Permanent refusal to consider applications for admission to the University of Alberta.

Where a sanction of permanent refusal to consider applications has been imposed, the Student shall not be considered for admission without the approval in writing of the Provost and Vice-President (Academic) in consultation with the Registrar. Such approval shall not be given before the expiry of five years.

30.4.2(8) c The sanctions related to refusal to consider applications for admission to the University of Alberta may only be imposed for application-related offences.

### **30.4.2(9) Rescission of Admission Offer**

30.4.2(9) a Rescission of any current offer of admission received by the Applicant, whether conditional or final, and cancellation of any registration.

30.4.2(9) b This sanction may only be imposed for application-related offences.

### **30.4.10 Rescission of a Degree**

30.4.2(10) a "Rescission of a Degree" means that the original award of a Degree will be perpetually deleted from the Student's Central Academic Record. The Student's Transcript will indicate that the Degree has been rescinded. (CLRC 24 MAY 2012)

30.4.2(10) b The Discipline Officer may recommend to the Provost and Vice-President (Academic) that the University publish notification of the Rescission of the Degree. In the case of a professional Degree, this would include notification to the appropriate professional body. The Vice-President's decision to act on this recommendation shall be deferred until an appeal is heard and decided.

### **30.4.2(11) Reprimand**

30.4.2(11) a A "Reprimand" is a notation of concern about the conduct of a Student.

30.4.2(11) b The Reprimand is noted in the Discipline File held by the Faculty in which a Student is registered and by the Faculty that charged the Student. (CLRC 24 MAY 2012) (GFC 03 FEB 2014)

### ~~**30.4.2(12) Restitution**~~

~~30.4.2(12) a "Restitution" is an order that a Student pays money~~

~~30.4.2(12) a.i to one or more of another individual, a corporation, an unincorporated association or other unincorporated group, or the University, as Restitution for damage to or the loss or destruction of any property as the result of the commission of an offence by the Student. The amount of Restitution shall not exceed the replacement cost of the property as of the date that the order is imposed, less the value of any part of the property that has been returned; and/or~~

- ~~30.4.2(12) a.ii — to an individual who has suffered bodily harm as a result of the commission of an offence by the Student, as Restitution for all expenses or loss of income suffered as a result of the offence. Restitution is not payable as compensation for pain and suffering.~~
- ~~30.4.2(12) b — Restitution shall not be ordered unless evidence has been adduced that supports the calculation of the cost of the damage or injury caused by the commission of the offence by the Student.~~
- ~~30.4.2(12) c — The Student's Central Academic Record is Encumbered until the amount is paid in full. (CLRC 24 MAY 2012) (GFC 03 FEB 2014)~~
- ~~30.4.2(12) d — The Dean or Discipline Officer who imposed the sanction shall make the determination of when the amount owing in Restitution has been paid in full.~~

### **30.4.2(13) Suspension**

- 30.4.2(13) a “Suspension” requires a Student to withdraw completely from the University, their program in the University, and from all University Activities for a specified period of time, to a maximum of three years.
- 30.4.2(13) b Suspension shall be noted on the Student's Central Academic Record, on the Student's Transcript, and in the Student's Academic File held by the faculty in which the Student is enrolled during the period of the Suspension. At the discretion of the Discipline Officer or the UAB, the suspension may be noted on the Transcript for a further period of up to three years after the end of the suspension. (GFC 24 SEP 2007) (CLRC 24 MAY 2012)
- 30.4.2(13) c A Student shall receive credit for any course passed before the effective date of the Suspension.
- 30.4.2(13) d Withdrawals resulting from a decision of Suspension will show as grades of "W" on the Student's Transcript and will remain part of the Central Academic Record. (CLRC 24 MAY 2012)
- 30.4.2(13) e A student is deemed to have withdrawn from all courses as of the date of a Suspension; the fee refund dates outlined in the *University Calendar* shall apply. (CLRC 30 MAY 2002) (SCPC 25 JAN 2018)
- 30.4.2(13) f.i Upon expiry of a Suspension of less than 12 months the Student will be permitted to re-enroll in the program from which the Student was suspended provided the Student has not been required to withdraw in accord with the Faculty's published Academic Standing regulations. (CLRC 06 JUN 2013)
- 30.4.2(13) f.ii If the Suspension is for 12 months or more, the Student must apply for readmission to the University. Students should refer to the *University Calendar* for more information on admission and readmission. (<https://calendar.ualberta.ca/>) (CLRC 06 JUN 2013)
- 30.4.2(13) g Any course work completed at any institution during the period of Suspension will not be accepted as credit towards an individual's Degree, or for admission to a Degree program, or other certification at this University.

### **30.4.2(14) Suspension of a Degree**

- 30.4.2(14) a Upon Suspension of a Degree the original award of a Degree will be removed from the Student's Central Academic Record and the Transcript will show that the Degree has been suspended until the Student meets the requirements of the University to clear the Suspension. (CLRC 24 MAY 2012)



- 30.4.2(14) b If at the end of the time specified by a discipline decision, the Student has met the requirements of the Discipline Officer or the UAB to clear the Suspension, the original award will be restored to the Student's Central Academic Record with the original date. The record of the Suspension will be removed from the Transcript. (CLRC 24 MAY 2012)
- 30.4.2(14) c If, at the end of the time specified in a discipline decision, the Student has not met the requirements of the Discipline Officer or the UAB to clear the Suspension, the record of the Suspension of the degree will not be removed. The original award will remain perpetually deleted from the Student's Central Academic Record. (CLRC 03 MAR 2005) (CLRC 24 MAY 2012)
- 30.4.2(14) d The Discipline Officer or University Appeal Board may recommend to the Provost and Vice-President (Academic) that the University publish notification of the Suspension of a Degree. In the case of a professional Degree, this would include notification to the appropriate professional body. The decision of the Provost and Vice-President (Academic) respecting this recommendation shall be deferred until an appeal is heard and decided. The decision of the Provost and Vice-President (Academic) is final and binding. (CLRC 24 MAY 2012)

### ~~30.4.2(15) — Suspension of Essential University Services and Resources~~

- ~~30.4.2(15) a — “Suspension of Essential University Services and Resources” is the denial, for a specified period of time, of those services and resources that are necessary for the completion of a Student's program of studies at the University.~~
- ~~30.4.2(15) b — The classification of a sanction as a Suspension of Essential University Services and Resources may be appealed as part of an appeal relating to sanction.~~
- ~~30.4.2(15) c — The Suspension of Essential University Services and Resources shall be noted in the Student's Academic File kept by the Dean of the Faculty in which the Student is registered, as a Negative Service Indicator in the Central Academic Record, and the Discipline File held by the Director of UAPS. (CLRC 24 MAY 2012)~~

### ~~30.4.2(16) — Suspension of Non-essential University Services and Resources~~

- ~~30.4.2(16) a — “Suspension of Non-essential University Services and Resources” is the denial, for a specified time, of those services or resources that are convenient or helpful to a Student but not necessary for the Student to complete a specific University program.~~
- ~~30.4.2(16) b — The classification of a sanction as a Suspension of Non-essential University Services and Resources may be appealed as part of an appeal relating to sanction.~~
- ~~30.4.2(16) c — The Suspension of Non-essential University Services or Resources shall be noted on the Student's Discipline File kept by the Dean of the Faculty in which the Student is registered, as a Negative Service Indicator in the Central Academic Record, and the Discipline File held by the Director of UAPS. (CLRC 24 MAY 2012)~~

### ~~30.4.2(17) — Violation Notices~~

~~In instances where the conduct in question or its effects are of a minor nature, a “Violation Notice” and an associated fine may be issued by a member of UAPS in lieu of initiating any other proceedings under this Code. See 30.5.6(2).~~

### 30.4.3 Levels of Sanction

#### 30.4.3(1) Minor Sanctions

30.4.3(1) a Instructors have the authority to dismiss a Student from Class for no more than 3 hours of Class time for disturbing, disrupting or otherwise interfering with a Class. In cases where a single class meeting is longer than 3 hours, the Student may be dismissed from that entire class. In the case of an online course, the Instructor may bar the Student from any online activities related to the Class for a maximum of one week, or equivalent to 3 hours in-class time. See 30.3.4(1) (CLRC 28 FEB 2002) (CLRC 30 MAY 2002) (CLRC 25 APR 2013)

~~30.4.3(1) b Unit Directors have the authority to impose the following sanctions on a Student based on a finding that the Student has committed an offence under this Code relating to the Director's unit.~~

30.4.3(1) b.i Reprimand.

~~30.4.3(1) b.ii Fine, in an amount not to exceed \$100 per Student.~~

~~30.4.3(1) b.iii Suspension of specified Essential University Services or Resources for a period of not more than 10 Working Days.~~

~~30.4.3(1) b.iv Suspension of specified Non-essential University Services or Resources for a period of not more than one year.~~

~~30.4.3(1) c University of Alberta Protective Services members have the authority to issue the following sanctions in violation notices:~~

~~30.4.3(1) c.i Fine, in an amount not to exceed \$100 for Inappropriate Behaviour toward Members of the University Community not including Disruption of Class [30.3.4(1)a], Discrimination [30.3.4(2)], sexual or physical contact with another person without that person's consent [30.3.4(6)a] or harassment or sexual harassment [30.3.4(6)d];~~

~~30.4.3(1) c.ii Fine, in an amount not to exceed \$50 for Inappropriate Use of University Property and Resources [30.3.5];~~

~~30.4.3(1) c.iii Fine, in an amount not to exceed \$50 for Other Offences [30.3.6] not including Alcohol Provision and Consumption;~~

~~30.4.3(1) c.iv Restitution in addition to or in lieu of any other applicable fine in an amount not to exceed \$500.~~

#### 30.4.3(2) Intermediate Sanctions

30.4.3(2) a Based on a finding that a Student has committed an offence under this Code, the Dean of the Faculty in which the offence occurred has the authority to impose Minor Sanctions and one or more of the following Intermediate Sanctions: (GFC 24 SEP 2007)

30.4.3(2) a.i a mark reduction or a mark of 0 on any term work or examination for reason of Inappropriate Academic Behaviour; (GFC 24 SEP 2007)

30.4.3(2) a.ii Reduction of a grade in a course;

30.4.3(2) a.iii a grade of F for a course; (CLRC 27 MAR 2003)

30.4.3(2) a.iv a remark on a transcript of 8 (or 9 for failing graduate student grades), indicating Inappropriate Academic Behaviour, in addition to 30.4.3(2) a.i, 30.4.3(2) a.ii or 30.4.3(2) a.iii; and (CLRC 27 MAR 2003) (CLRC 25 NOV 2004)

- ~~30.4.3(2) a.v — Suspension of specified Essential University Service or Resource for a period of 10 Working Days to one year;~~
- ~~30.4.3(2) a.vi — Suspension of a specified Non-essential University Services or Resource for a period of one to three years;~~
- ~~30.4.3(2) a.vii — a Fine in an amount not to exceed \$500 per Student;~~
- 30.4.3(2) a.viii Conduct Probation.
- ~~30.4.3(2) a.ix — Exclusion from all or specified areas of the University for a specified period of time;~~

30.4.3(2) b The Dean has the authority to impose one or more of the following sanctions in addition to or in lieu of Minor Sanctions based on a finding that the Student has committed an application-related offence under this Code. (EXEC 04 MAY 2009)

30.4.3(2) b.i Refusal to consider applications for admission for up to five years, or permanently. (EXEC 04 MAY 2009)

30.4.3(2) b.ii Rescission of an Admission Offer; (EXEC 04 MAY 2009)

### **30.4.3(3) Severe Sanctions**

30.4.3(3) a The Discipline Officer has the authority to impose Minor, Intermediate and the following Severe Sanctions. When the Discipline Officer finds that a Student has committed an offence under this Code: (1) any sanctions imposed by a Dean ~~or Unit Director~~ shall remain in effect; (2) the Discipline Officer may impose one or more sanctions in addition to any sanction(s) that may have been imposed by a Dean ~~or Unit Director~~. (GFC 24 SEP 2007)

When the UAB finds that a student has committed an offence under this Code, the UAB has full authority to impose Minor, Intermediate and the following Severe Sanctions: (GFC 24 SEP 2007)

~~30.4.3(3) a.i — Exclusion from all or specified areas of the University for an unspecified period of time;~~

30.4.3(3) a.ii Expulsion;

30.4.3(3) a.iii Suspension;

~~30.4.3(3) a.iv — Suspension of specified Essential University Services or Resources for more than one year;~~

30.4.3(3) a.v Suspension of a Degree already awarded; and

30.4.3(3) a.vi Rescission of a Degree already awarded;

~~30.4.3(3) a.vii — an order for Restitution; and~~

~~30.4.3(3) a.viii — a Fine not to exceed \$2000.~~

### **30.4.4 Public Information about Disciplinary Sanctions**

30.4.4(1) For reporting requirements, see GFC SCPC Terms of Reference at: <https://www.ualberta.ca/governance/member-zone/gfc-standing-committees> (EXEC 02 MAR 2009) (SCPC 25 JAN 2018)

~~30.4.4(2) — In cases where a Student has been excluded from campus, the University is entitled to notify the University Community by any means of the Student's name, the fact that~~

~~the Student has been excluded from campus and any other information that is deemed necessary for the safety of members of the University Community.~~

## 30.5 The Discipline Process

### 30.5.1 The General Rules of Discipline and Appeal

30.5.1(1) ~~There are seven main disciplinary and appeal streams~~ A complaint can be initiated by a member of the University Community, an Instructor, or a Dean.

30.5.1(1) a A complaint is initiated by a member of the University Community under 30.5.2. The ~~Unit Director, Dean or Director of UAPS~~ must first determine whether pursuing the charges is warranted; if so, the investigation is undertaken and/or a decision is made by the ~~Unit Director, Director of UAPS, Dean or Discipline Officer~~ following the steps in ~~30.5.5, 30.5.6(3),~~ 30.5.7 or 30.5.8. The decision of the ~~Unit Director, Dean or Discipline Officer~~ may be appealed under 30.6 to the UAB whose review decision is final and binding. (GFC 28 SEP 2015)

~~30.5.1(1) b A complaint is initiated by an Instructor respecting Exclusion under 30.3.3. The Instructor makes a recommendation to the Dean; the Dean investigates and decides following the steps in 30.5.7. The decision of the Dean may be appealed under 30.6 to the UAB whose review decision is final and binding.~~

30.5.1(1) c A complaint is initiated by an Instructor respecting Inappropriate Academic Behaviour under 30.5.4 or Misrepresentation of Facts [30.3.6(4) or Participation in an Offence [30.3.6(5)] in cases respecting Inappropriate Academic Behaviour. The Instructor makes a recommendation to the Dean who investigates and makes a decision following the steps in 30.5.7. The decision of the Dean may be appealed under 30.6 to the UAB whose review decision is final and binding. (CLRC 30 MAY 2002)

~~30.5.1(1) d An investigation respecting an Inappropriate Use Offence is initiated by a Unit Director, who, on a finding that an offence has been committed, may impose Minor Sanctions and/or may recommend Intermediate Sanctions or Severe Sanctions (or some combination thereof) following the steps in 30.5.5. If an Intermediate or a Severe Sanction is recommended, the Discipline Officer, following the steps in 30.5.8, decides whether the sanction is warranted. Appeals of a finding that an offence has been committed or sanction imposed are made to the UAB under 30.6, whose review decision is final and binding.~~

~~30.5.1(1) e A Violation Notice and associated Fine and/or Restitution is issued by University of Alberta Protective Services which may be contested before the Director of UAPS or the Discipline Officer under 30.5.6(2).~~

~~30.5.1(1) f An investigation is initiated by the Director of UAPS, leading to a recommendation for Sanction to the Discipline Officer. The Discipline Officer, following the steps in 30.5.8, decides whether the sanction is warranted. Appeals of a finding that an offence has been committed or sanction imposed are to the UAB under 30.6, whose review decision is final and binding. (CLRC 29 NOV 2001)~~

30.5.1(1) g An investigation is initiated by a Dean, who, on finding that an offence has been committed, may impose Minor Sanctions or Intermediate Sanctions or may recommend Severe Sanctions (or some combination thereof) following the steps in 30.5.7. If a Severe Sanction is recommended, the Discipline Officer,

following the steps in 30.5.8, decides whether the sanction is warranted. Appeals of a finding that an offence has been committed or sanction imposed are made to the UAB under 30.6, whose review decision is final and binding.

~~30.5.1(2) The following procedures do not preclude charges of Breaches of Rules External to the Code [see 30.3.6(2)] being laid against Students.~~

**30.5.1(3)** If a University staff member authorized to make a discipline decision has a conflict of interest in relation to particular allegations respecting a Student, the staff member shall so notify the Provost and Vice-President (Academic). The Provost and Vice-President (Academic) or delegate shall appoint and authorize another staff member to make the discipline decision and to perform all activities in connection with the decision.

**30.5.1(4)** A discipline decision may be appealed by a Student who has been found to have committed an offence under the Code.

**30.5.1(5)** Students may appeal discipline decisions only once. Therefore, the following restrictions apply:

30.5.1(5) a Because the Student already has the right of appeal under the Code, a Student may not appeal to the Faculty Academic Appeals Committee a mark of F given as a result of a discipline decision or an Academic Standing decision that is solely the result of a discipline decision. (CLRC 27 MAR 2003)

30.5.1(5) b If a Student's Academic Standing is changed as a result of a discipline decision by the Dean or Discipline Officer to assign a mark of 0 on an assignment or lower the final mark, whether or not the final mark is accompanied by a remark, indicating Inappropriate Academic Behaviour, the Student may appeal to the Faculty Academic Appeals Committee only that portion of the mark unaffected by the sanction. In the case of an appeal to the Faculty Appeals Committee, there will be full and open disclosure of all aspects of the discipline decision. The Faculty Academic Appeals Committee cannot change that portion of the mark affected by the Dean or Discipline Officer's decision. (CLRC 27 MAR 2003)

30.5.1(5) c Because the Student has already had the right of appeal under the Code, a Student may not appeal an Academic Standing decision that is solely the result of a discipline decision to the Faculty Academic Appeals Committee.

30.5.1(5) d A Student may appeal to the Faculty Academic Appeals Committee an Academic Standing decision that is not solely the result of a discipline decision. In the case of an appeal to the Faculty Academic Appeals Committee, there will be full and open disclosure of all aspects of the discipline decision. The Faculty Academic Appeals Committee cannot change the portion of any mark affected by the discipline decision.

**30.5.1(6) Service and Notice**

30.5.1(6) a Material or decisions pertaining to a disciplinary process or appeal, and notice of appeal hearings may be hand-delivered, sent by e-mail, courier, or sent by any method of delivery offered by Canada Post. In cases where students have an official campus address, material may be sent to that address by campus mail. Alternatively, at the Student's request, the Student may pick up the material, decision or notice at an arranged place. (CLRC 25 SEPT 2008) (CLRC 29 JAN

2009) (CLRC 24 MAY 2012)

- 30.5.1(6) b When sent by Canada Post, campus mail or courier, the material, decision or notice shall be sent to the last address provided by the Student to the University. (CLRC 25 SEPT 2008) (CLRC 29 JAN 2009)
- 30.5.1(6) c Delivery is deemed to have been effected on the date of pick-up, receipt of hand or courier delivery, or five (5) Working Days after being sent by Canada Post to Canadian addresses, and seven (7) Working Days after being sent by Canada Post to International addresses, or two (2) Working Days after being sent by campus mail. In accordance with the University's *Electronic Communication Policy for Students and Applicants*, (*University Calendar*), electronic communications sent by the University will be deemed received the next University business day after the day the e-mail was sent. (CLRC 25 SEPT 2008) (CLRC 29 JAN 2009) (CLRC 24 MAY 2012) (SCPC 25 JAN 2018)
- 30.5.1(6) d Notices, decisions and other appeal materials sent to a Dean ~~or the University of Alberta Protective Services~~, Discipline Officer ~~or a Unit Director~~ shall normally be sent by campus mail. Any of the other methods of delivery noted in this part may also be used. (CLRC 29 JAN 2009)

**30.5.2 Procedures for Any Member of the University Community who believes that a Student has committed a Violation of the *Code of Student Behaviour*.**

**30.5.2(1)** A Complainant may initiate proceedings against a Student.

**30.5.2(2)** The Complainant must first determine who is the most appropriate person to speak to about the complaint.

30.5.2(2) a Where the Complainant believes that an offence involving Inappropriate Academic Behaviour [30.3.2] has been committed during a course, the Complainant should first speak to the Instructor of the course. If it is not possible to speak with the Instructor for any reason or if the Complainant is not satisfied with the results of the conversation, the Complainant should speak to the Dean.

30.5.2(2) b Where the Complainant believes a Student has disrupted Class [30.3.4(1)] and should be dismissed from Class, the Complainant should first speak with the Instructor of the Class. If it is not possible to speak with the Instructor for any reason or if the Complainant is not satisfied with the results of the conversation, the Complainant should speak to the Dean.

30.5.2(2) c Where the Complainant believes that an offence involving Inappropriate Behaviour in a Professional Program [30.3.3] has been committed, the Complainant should first speak to the University Official in charge of the Professional Program. If it is not possible to speak with the University Official for any reason or if the Complainant is not satisfied with the results of the conversation, the Complainant should speak to the Dean.

~~30.5.2(2) d Where the Complainant believes that a Student has committed an Inappropriate Use of University Property and Resources Offence [30.3.5], the Complainant should first speak to the Unit Director (i.e. including but not limited to, the Unit Director for the library, bookstore, AICT, gym, residence hall). If it is not possible to speak with the Unit Director for any reason or if the Complainant is not satisfied with the results of the conversation, the Complainant should speak to University of Alberta Protective Services.~~

~~30.5.2(2) e — Where the Complainant believes that a Student has committed an Inappropriate Behaviour towards Individuals or Groups Offence [30.3.4, excluding Disruption] or an Other Offence [30.3.6], the Complainant should speak to University of Alberta Protective Services. (EXEC 05 DEC 2011)~~

**30.5.2(3)** If the procedures in 30.5.2(2) have failed to bring resolution or the Complainant chooses to initiate a formal complaint, the Complainant must deliver a written and signed statement explaining the alleged violation of this Code to either the ~~Director of UAPS and/or~~ Dean. The complaint shall be a detailed written description of the incident. This shall include the time and place, person or persons involved, and all relevant information concerning the incident. ~~In order to protect and to ensure the safety of all members of the University Community, discretion will be used in revealing the name of the Complainant to the Student charged, should the complaint proceed.~~

~~30.5.2(4) The Dean and Director of UAPS shall work jointly on allegations that involve both academic and security matters. Otherwise they will decide which of them is the most appropriate person to handle an allegation. Usually Deans shall handle charges related to academic matters and the Director of UAPS shall deal with other matters.~~

**30.5.2(5)** If the ~~Director of UAPS and/or~~ Dean decides to proceed with a complaint, the procedures under ~~30.5.6(3) and~~ 30.5.7 shall apply.

**30.5.2(6)** The ~~Director of UAPS and/or~~ Dean may decline to proceed with and/or investigate a complaint under the following circumstances: (GFC 28 SEP 2015)

30.5.2(6) a Where the complaint is primarily concerned with regulations of another official University organization, and the ~~Director of UAPS and/or~~ Dean believes that the complaint should be dealt with in accordance with procedures established by that organization;

30.5.2(6) b Where the ~~Director of UAPS and/or~~ Dean believes that no University rule has been broken;

30.5.2(6) c Where the ~~Director of UAPS and/or~~ Dean believes the complaint to be scandalous, frivolous or vexatious; or

30.5.2(6) d Where one year or more has elapsed since the incident.

**30.5.2(7) a** If the Dean has declined to proceed with and/or investigate a complaint then no further proceedings shall be taken respecting the complaint under this Code. (GFC 28 SEP 2015)

~~30.5.2(7) b — If the Director of UAPS has declined to proceed with and/or investigate a complaint, the Complainant must be notified. Written reasons will be provided on request. The decision shall include information regarding the Complainant's rights to appeal, the appeal deadlines, the appeal procedures, where to get access to the Code and where on-campus assistance is available. (GFC 28 SEP 2015)~~

~~30.5.2(8) The Complainant may appeal a decision of the Director of UAPS not to proceed with and/or investigate the complaint by delivery of a written letter to the Discipline Officer within 15 working days of the deemed receipt of the decision. (CLRC 30 MAY 2002) (GFC 28 SEP 2015)~~

~~30.5.2(8) a — If the Discipline Officer decides that the decision of the Director of UAPS not to proceed with and/or investigate a complaint was appropriate, a written~~

~~decision with reasons will be provided and no further proceedings shall be taken respecting the complaint under this Code. (GFC 28 SEP 2015)~~

~~30.5.2(8) b — If the Discipline Officer decides that the decision of the Director of UAPS not to proceed with and/or investigate a complaint was inappropriate, the Discipline Officer will conduct any necessary investigation and determine, on a balance of probabilities, whether or not an offence has been committed and what, if any, sanctions will be imposed. (GFC 28 SEP 2015)~~

~~30.5.2(8) c — The decision of the Discipline Officer may be appealed to the UAB under 30.6 by the Student who was charged and/or the Director of UAPS. The finding that an offence has been committed, the sanction imposed, or both may form the basis of an appeal. (GFC 28 SEP 2015)~~

### **30.5.3 Procedures for Instructors in Cases Respecting Class Disruptions**

**30.5.3(1)** When a Student disturbs, disrupts, or otherwise interferes with a Class, the Instructor may immediately dismiss the Student from the Class meeting and subsequent meetings not to exceed 3 hours of instruction. In the case of an online course, the Instructor may bar the Student from any online activities related to the Class for a maximum of one week, or equivalent to 3 hours in-class time. In cases where a single Class meeting is longer than 3 hours the student may be dismissed from that entire Class. (CLRC 22 APR 2002) (CLRC 30 MAY 2002) (CLRC 25 APR 2013)

**30.5.3(2)** The Instructor shall inform the Dean of Students about the incident as soon as possible after the event occurred, normally within 2 Working Days. (CLRC 25 APR 2013)

**30.5.3(3)** If the Student engages in the behaviour described in 30.5.3(1) after resuming Class, the Instructor may again immediately dismiss the Student from the Class, in which case the Instructor must report that violation to the Dean of Students and provide a written statement of the details of both incidents normally within 2 Working Days. (CLRC 25 APR 2013)

~~**30.5.3(4)** The Dean shall follow the procedures set out in 30.5.7. The Dean shall contact the Director of UAPS for incidents that fall outside of the Dean's authority, as outlined in 30.5.7(1). (CLRC 25 APR 2013)~~

**30.5.3(5)** If ~~the Dean, Discipline Officer or UAB find~~ an investigation under the Student Conduct Policy results in a finding that the Student did not violate the policy Code, such decision shall not invalidate the prior action of the Instructor. ~~The Dean Every effort~~ shall be made, ~~however, ensure that every effort is made~~ to make up the Student's lost Class time, but the University shall not be held legally responsible for any lost Class time. (CLRC 25 APR 2013)

### **30.5.4 Procedures for Instructors in Cases Respecting Inappropriate Academic Behaviour**

**30.5.4(1)** When an Instructor believes that a Student may have committed an Inappropriate Academic Behaviour Offence [30.3.2] or that there has been Misrepresentation of Facts [30.3.6(4)] or Participation in an Offence [30.3.6(5)] in cases respecting Inappropriate Academic Behaviour, or Bribery [30.3.6(7)] for the purpose of gaining academic advantage in the course that they instruct, the Instructor will meet with the Student. Before such a meeting, the Instructor shall inform the Student of the purpose of the meeting. In the event that the Student refuses or fails to meet with the Instructor



within a reasonable period of time specified by the Instructor, the Instructor shall, taking into account the available information, decide whether a report to the Dean is warranted. (CLRC 30 MAY 2002) (EXEC 7 APR 2003) (CLRC 27 NOV 2003) (CLRC 03 FEB 2016)

- 30.5.4(2)** If the Instructor believes there has been a violation of the Code, the Instructor shall, as soon as possible after the event occurred, report that violation to the Dean and provide a written statement of the details of the case. The instructor may also include a recommendation for sanction. (CLRC 27 NOV 2003)
- 30.5.4(3)** The Dean, acting in accordance with 30.5.7, shall decide whether the Student has committed an offence and, if so, whether the sanction recommended by the Instructor or any other sanction is appropriate.

### ~~30.5.5 — Procedures in Cases Initiated by Unit Directors Respecting Inappropriate Use Offences~~

- ~~30.5.5(1) When a Unit Director believes that a Student has committed an Inappropriate Use Offence in the unit or department in which the Unit Director works, that Unit Director has the authority to initiate disciplinary proceedings. That person shall meet with the Student about the alleged offence, complete any necessary investigation of the matter, and decide whether or not, on the balance of probabilities, the Student has committed an offence. Before such a meeting, the Unit Director shall inform the Student of the purpose of the meeting and of the Student's right to bring an Advisor [30.2.4]. (EXEC 05 May 2008)~~
- ~~30.5.5(2) In the event that the Student refuses or fails to meet with the Unit Director within a specified period of time, a decision, which may include a sanction, shall be made, taking into account the available evidence.~~
- ~~30.5.5(3) If the Unit Director has determined on the balance of probabilities that the student has committed an offence, the Unit Director will contact the Appeals Coordinator to determine if there is a previous discipline record for the Student. Only when considering what would be an appropriate sanction may the Unit Director take into account the disciplinary record, if any, of the Student. The Unit Director may impose one or more of the sanctions listed in 30.4.3(1). (EXEC 05 May 2008) (CLRC 18 June 2008)~~
- ~~30.5.5(4) If the Unit director believes that owing to the serious nature of the actions of the Student, an Intermediate or Severe Sanction is warranted in addition to or in lieu of any Minor Sanction(s), the Unit Director may forward a written recommendation for a specific Intermediate or Severe Sanction to the Discipline Officer. (EXEC 05 May 2008)~~
- ~~30.5.5(5) Where the Unit Director has decided to recommend to the Discipline Officer that the Student be Expelled, Suspended, or Excluded, the Unit Director shall so inform the Dean of the Faculty in which the Student is registered and consult with the Dean regarding the Student's situation. After making such enquiries as the Unit Director considers necessary, the Unit Director shall either revise the recommendation or confirm and forward it to the Discipline Officer. (EXEC 05 May 2008)~~
- ~~30.5.5(6) Having completed consideration of the matter, the Unit Director shall, in accordance with 30.5.1(6), inform the Student in writing of the decision and the reasons for that decision. The letter shall include information on how the Student can appeal the decision. The Unit Director shall provide a copy of the decision to the Appeals~~

~~Coordinator and Dean of the Faculty in which the Student is enrolled. The Student may appeal the finding that an offence has been committed and/or the sanction to the UAB under 30.6. (EXEC 05 May 2008)~~

~~30.5.5(7) — If the Unit Director has recommended an Intermediate or Severe Sanction, in addition to or in lieu of the imposition of a Minor Sanction, the Discipline Officer shall follow the procedures set out in 30.5.8. Any Minor Sanction imposed by the Unit Director will be suspended until the entire appeal process has been exhausted. (EXEC 05 May 2008)~~

### ~~30.5.6 — Procedures for University of Alberta Protective Services~~

~~30.5.6(1) — The following procedures apply in cases respecting Inappropriate Behaviour towards Individuals or Groups, excluding Disruption in Class [30.3.4(1)a], Inappropriate Use of University Property and Resources [30.3.5] and Other Offences [30.3.6]. (EXEC 05 DEC 2011)~~

#### ~~30.5.6(2) — Violation Notice Procedures~~

~~A member of UAPS may, because of the minor nature of the conduct in question or of its effects may issue and serve the Student with a Violation Notice in lieu of initiating any other proceedings to be initiated under this Code. Violation Notices may be issued for Inappropriate Behaviour towards Individuals or Groups (excluding Disruption in Class [30.3.4(1)a], Discrimination [30.3.4(2)], sexual or physical contact with another person without that person's consent [30.3.4(6)a] or harassment or sexual harassment [30.3.4(6)d]); Inappropriate Use of University Property and Resources [30.3.5] and Other Offences [30.3.6] excluding Alcohol Provision and Consumption [30.3.6(1)]. (EXEC 05 DEC 2011)~~

~~30.5.6(2) a — A Violation Notice shall set out~~

~~30.5.6(2) a.i — the name of the Student,~~

~~30.5.6(2) a.ii — the applicable offence,~~

~~30.5.6(2) a.iii — the name of the member of UAPS who issued the Violation Notice,~~

~~30.5.6(2) a.iv — the date on which the Violation Notice was issued,~~

~~30.5.6(2) a.v — the amount of the fine as specified in 30.5.6(2) c and,~~

~~30.5.6(2) a.vi — the following notice:~~

~~“This Violation Notice is issued by the authority of the Board of Governors and the General Faculties Council of the University of Alberta for a contravention of the *Code of Student Behaviour*. Payment in the amount specified hereon must be made to the University of Alberta Financial Services within 15 Working Days of the date of the Violation Notice. Payment shall be accompanied by this Violation Notice.~~

~~“This Violation Notice may be contested within 15 Working Days following the date of its issuance. If the basis for contest is that the Violation Notice has been improperly completed, the challenge must be made in person or in writing to University of Alberta Protective Services. In all other cases the challenge shall be made in writing to the Discipline Officer and the Student may request to appear in person before the Discipline Officer.~~

~~“If the Student fails to pay the fine or to contest the Violation Notice within~~

~~15 Working Days, the University shall be entitled to encumber the Student's Academic Record (i.e. make a notation that may result in the withholding of grades or other indicators of academic attainment, withholding of transcripts, or denial or termination of registration) as provided under 30.4.2(3) of the Code of Student Behaviour.~~

~~“Further information respecting this Violation Notice may be obtained from University of Alberta Protective Services.”~~

~~30.5.6(2) b — A Violation Notice shall be served on the Student in accordance with~~

~~30.5.1(6). 30.5.6(2) c — The specified sanctions listed in 30.4.3(1) c may be levied under a Violation~~

~~Notice.~~

~~30.5.6(2) d — Payment of the amount set out in the Violation Notice must be made to Financial Services within 15 Working Days of the date of the Violation Notice.~~

~~30.5.6(2) e — A Student may contest the Violation Notice within 15 Working Days of its issuance.~~

~~30.5.6(2) e.i — If the Student contests the Violation Notice on the grounds that the Violation Notice was incorrectly completed, the challenge must be made in person or in writing to the Director of UAPS. The decision of the Director of UAPS in regard to the accuracy of completion of the Violation Notice is final and binding.~~

~~30.5.6(2) e.ii — If the Student contests the charge in the Violation Notice that the Student has committed an offence, and/or the sanction imposed, the Student shall do so in writing to the Discipline Officer. The Discipline Officer will meet with the Student and conduct an investigation. The Discipline Officer may dismiss the charges, vary the sanction, or uphold the original Violation Notice. Sanctions are limited to those provided for on the Violation Notice. The Discipline Officer's decision is final. (GFC 24 SEP 2007) (BEAC 17 OCT 2007) (CLRC 28 AUG 2014)~~

~~30.5.6(2) f — If the Student fails to pay the fine or to contest the Violation Notice within 15 Working Days, the University shall be entitled to encumber the Student's Academic Record as provided under 30.4.2(3).~~

~~30.5.6(2) g — Notwithstanding that a Student has paid the fine specified under a Violation Notice issued under the provisions of this Code, proceedings under other provisions of this Code may be initiated by University Officials other than members of UAPS. In such cases, the amount of the fine paid under the Violation Notice by the Student shall be taken into consideration by any decision making body in determining the appropriate sanction for the Student.~~

~~30.5.6(2) h — Neither the payment of a fine nor the failure to appeal a Violation Notice shall be taken as evidence that a Student has committed an offence in any proceedings under this Code, except in Violation Notice procedures.~~

### **30.5.6(3) — Recommendation to the Discipline Officer**

~~30.5.6(3) a — Except in cases involving Violation Notices, if the Director of UAPS decides to proceed with a complaint or if an offence is detected by a member of University of Alberta Protective Services, an investigation shall be conducted and, if disciplinary measures are believed to be warranted, the results of the investigation along with a recommendation as to the appropriate sanction shall be forwarded to the Discipline Officer.~~

~~30.5.6(3) b — The Discipline Officer shall follow the procedures set out in 30.5.8.~~

### **30.5.7 Procedures for Deans**

- 30.5.7(1)** The following procedures apply in cases respecting Inappropriate Academic Behaviour [30.3.2], Inappropriate Behaviour in Professional Programs [30.3.3] ~~or Class Disruption [30.3.4(1)]~~ or that there has been Misrepresentation of Facts [30.3.6(4)] or Participation in an Offence [30.3.6(5)] in cases respecting Inappropriate Academic Behaviour, or Bribery [30.3.6(7)] for the purpose of gaining academic advantage, ~~Inappropriate Behaviour in Professional Programs or Class Disruption~~. In cases involving application-related offences, the Dean may delegate responsibility for the case to the Registrar. (CLRC 30 MAY 2002) (EXEC 04 MAY 2009) (CLRC 03 FEB 2016)
- 30.5.7(2)** The Dean shall meet with the Student, review the matter and determine if the facts as disclosed by the Complainant or by any University Official who has reported an alleged offence to the Dean are in dispute. Before such a meeting, the Dean shall inform the Student of the purpose of the meeting and of the Student's right to bring an Advisor [30.2.4].
- 30.5.7(2) a If the facts are determined not to be in dispute, the Dean may impose one or more of the Minor Sanctions or Intermediate Sanctions listed in 30.4.3(1) or 30.4.3(2).
- 30.5.7(2) b If the facts are in dispute, the Dean will review the matter further by talking with all parties involved, complete any necessary investigation, and may either dismiss the charges or impose one or more of the Minor Sanctions or Intermediate Sanctions.
- 30.5.7(3)** In the event that the Student refuses or fails to meet with the Dean within a period of time specified by the Dean, a decision, which may include a sanction, shall be made, taking into account the available evidence.
- 30.5.7(4)** If the Dean has determined on the balance of probabilities that the student has committed an offence, the Dean will contact the Appeals Coordinator to determine if there is a previous discipline record for the Student. Only when considering what would be an appropriate sanction, may the Dean take into account the disciplinary record, if any, of the Student. (EXEC 01 MAY 2006) (CLRC 18 June 2008)
- 30.5.7(5)** Having completed consideration of the matter, the Dean shall prepare a written decision. The decision shall include the following:
- 30.5.7(5) a the offence/s alleged to have been committed by the Student,
- 30.5.7(5) b an overview of the relevant evidence that was presented,
- 30.5.7(5) c the reasons underlying the decision.
- 30.5.7(6)** If the Student has been found to have committed an offence, the decision shall also include the following:
- 30.5.7(6) a any sanction(s) imposed by the Dean,
- 30.5.7(6) b the date any sanction(s) shall take effect,
- 30.5.7(6) c any recommendation for a Severe Sanction,
- 30.5.7(6) d information, including any history of related offences, that may have been influential in determining the severity of the sanction, and
- 30.5.7(6) e information regarding the Student's rights to appeal, the appeal deadlines as set

- out in 30.6.1(1), and the appeal procedures, where to get access to the Code and where on-campus assistance is available, and (CLRC 30 MAY 2002)
- 30.5.7(6) f notice that any sanction that imposes conditions upon the Student, and that specifies an additional sanction to be imposed should those conditions not be met, must be appealed at the time it is imposed and within the time limits set out in 30.6.1(1). If the conditions are not met, no further appeal is available when the specified additional sanction is imposed. (EXEC 04 MAR 2002)
- 30.5.7(7) The decision shall be sent to the Student in accordance with 30.5.1(6). Where a Student has requested to pick up the material but fails to do so, the Dean will decide which method of delivery will be used. (CLRC 31 OCT 2002)
- 30.5.7(8) The Dean shall send a copy of the decision to the Appeals Coordinator, the Dean of the Student's Faculty (if different than the Dean who has charged the Student), the Instructor who has initiated the discipline process, and, in the case of a graduate Student, the Graduate Coordinator. (EXEC 08 DEC 2003) (BEAC 11 DEC 2003) (EXEC 02 MAY 2005) (BEAC 02 JUN 2005) (CLRC 24 MAY 2012)

In programs jointly offered with another institution, the partner institution shall be copied on the decision when the charges have arisen as a result of inappropriate behaviour at that partner institution. (EXEC 02 MAY 2005)

- 30.5.7(9) If a sanction is to be noted on the Student's Central Academic Record, the Dean shall so inform the Office of the Registrar. ~~If a sanction Exclusion from all or parts of campus for a specified period of time is levied, the Dean shall so inform the Director of UAPS.~~ (CLRC 24 MAY 2012)
- 30.5.7(10) If the Dean believes that owing to the serious nature of the actions of the Student, a Severe Sanction is warranted in addition to or in lieu of any Minor or Intermediate Sanction(s), the Dean may forward a written recommendation for a specific Severe Sanction to the Discipline Officer.
- 30.5.7(11) Where the Dean has decided to recommend a Severe Sanction to the Discipline Officer ~~that the Student be Expelled, Suspended, or Excluded for an unspecified time,~~ and where the Student is registered in another Faculty, the Dean shall so inform the Dean of the Faculty in which the Student is registered and consult with the Dean regarding the Student's situation. After making such enquiries as the Dean considers necessary, the Dean shall either revise the recommendation or confirm and forward it to the Discipline Officer.
- 30.5.7(12) If the Dean has recommended a Severe Sanction, in addition to or in lieu of the imposition of a Minor Sanction or an Intermediate Sanction, the Discipline Officer shall follow the procedures set out in 30.5.8. Any Minor or Intermediate Sanction ~~(except exclusions)~~ imposed by the Dean will be suspended until the entire appeal process has been exhausted. The Dean shall direct the Registrar to withhold Degrees, certification of marks and/or transcripts pending the outcome of any appeals. If a grade sanction forms part of the decision of the Dean or Discipline Officer, a grade of IN will appear on the transcript until such time as the appeal process has been exhausted or the deadline for appeal has passed. (GFC 24 SEP 2007)
- 30.5.7(13) If the Dean has found that an offence has been committed and imposed one or more of the Minor or Intermediate Sanctions, the Student may appeal the finding that an offence has been committed and/or the sanction to the UAB under 30.6.

### 30.5.8 Procedures for the Discipline Officer

**30.5.8(1)** The following procedures apply in cases in which ~~a Unit Director recommends the imposition of an Intermediate or Severe Sanction, the Director of UAPS recommends a sanction or~~ a Dean recommends the imposition of a Severe Sanction.

**30.5.8(2)** The Discipline Officer shall meet with the Student, review the matter and determine if the facts as disclosed by the ~~Unit Director, Director of UAPS or~~ Dean are in dispute. Before such a meeting, the Discipline Officer shall inform the Student of the purpose of the meeting and of the Student's right to bring an Advisor [30.2.4].

~~In cases stemming from a breakdown in interpersonal relations, the Discipline Officer may, at the Discipline Officer's discretion, offer to refer the parties to voluntary mediation before proceeding with charges under this Code. Both parties must agree to pursue mediation. If as a result of mediation both parties agree the conflict is successfully resolved, no further disciplinary steps will be taken. (GFC 24 SEP 2007)~~

**30.5.8(3)** In the event that the Student refuses or fails to meet with the Discipline Officer within a period of time specified by the Discipline Officer, a decision and a sanction shall be arrived at taking into account the available evidence.

**30.5.8(4)** The Discipline Officer may or may not decide to follow the recommendations of the Dean. ~~, Director of UAPS or Unit Director.~~

30.5.8(4) a If the facts are determined not to be in dispute, the Discipline Officer may impose one or more of the sanctions listed in 30.4.3(3).

30.5.8(4) b If the facts are in dispute, the Discipline Officer shall conduct any necessary investigation, which will normally include talking with all parties involved. The Discipline Officer may either dismiss the charges or impose one or more of the sanctions listed in 30.4.3(3). Only in the case where the Discipline Officer decides that the Student has not committed an offence may the Discipline Officer remove any sanction imposed by the ~~Unit Director or~~ Dean. Otherwise, the sanction imposed by the ~~Unit Director, or~~ Dean will stand whether or not the Discipline Officer follows the recommendation of the ~~Unit Director, or~~ Dean. (CLRC 30 MAY 2002)

30.5.8(4) c If the Discipline Officer has determined on the balance of probabilities that the student has committed an offence, the Discipline Officer will contact the Appeals Coordinator to determine if there is a previous discipline record for the Student. Only when considering what would be an appropriate sanction, may the Discipline Officer take into account any past record of related offences of the Student. (EXEC 01 MAY 2006) (CLRC 18 June 2008)

**30.5.8(5)** Having completed consideration of the matter, the Discipline Officer shall prepare a decision, which shall include the following:

30.5.8(5) a the offence(s) alleged to have been committed by the Student,

30.5.8(5) b an overview of the relevant evidence that was presented,

30.5.8(5) c a summary of the findings of the Discipline Officer, and

30.5.8(5) d the reasons underlying the decision.

**30.5.8(6)** If the Student has been found to have committed an offence under this Code, the decision shall also include the following:

- 30.5.8(6) a any sanction(s) imposed by the Discipline Officer,
- 30.5.8(6) b the date any sanction(s) shall take effect,
- 30.5.8(6) c information, including any history of related offences, that may have been influential in determining the severity of the sanction,
- 30.5.8(6) d information regarding the Student's rights to appeal, the deadlines to appeal, and the procedures for appeal, where to get access to the Code and where on-campus assistance is available, and
- 30.5.8(6) e notice that any sanction that imposes conditions upon the Student, and that specifies an additional sanction to be imposed should those conditions not be met, must be appealed at the time it is imposed and within the time limits set out in 30.6.1(1). If the conditions are not met, no further appeal is available when the specified additional sanction is imposed. (EXEC 04 MAR 2002)
- 30.5.8(7) The decision shall be sent to the Student in accordance with 30.5.1(6). Where a Student has requested to pick up the material but fails to do so, the Discipline Officer will decide which method of delivery will be used. (CLRC 31 OCT 2002)
- 30.5.8(8)** The Discipline Officer shall send a copy of the decision to the following individuals:
- a) the Appeals Coordinator;
  - b) ~~Director of UAPS, Unit Director and/or~~ Dean who charged the student;
  - c) the Dean of the Student's Faculty;
  - d) the Instructor who initiated the discipline process, where applicable;
  - e) in the case of a graduate Student found to have committed any offences under Section 30.3.2 (Inappropriate Academic Behaviour) or Section 30.3.6 (Other Offences) for academic advantage, the Graduate Coordinator;
  - f) the Office of General Counsel; and
  - g) the Provost and Vice-President (Academic), or delegate. (EXEC 08 DEC 2003) (BEAC 11 DEC 2003) (EXEC 02 MAY 2005) (BEAC 02 JUN 2005) (CLRC 24 MAY 2012)
- In programs jointly offered with another institution, the partner institution shall be copied on the decision when the charges have arisen as a result of inappropriate behaviour at that partner institution. (EXEC 02 MAY 2005)
- 30.5.8(9)** If a sanction is to be noted on the Student's Central Academic Record or Transcript, the Discipline Officer shall so inform the Office of the Registrar. (CLRC 24 MAY 2012)
- 30.5.8(10)** The decision of the Discipline Officer may be appealed to the UAB under 30.6 by the Student and/or the ~~Director of UAPS, the Unit Director, or~~ Dean. (CLRC 30 JAN 2003)
- 30.5.8(11)** During the appeal period, a Student appealing to the UAB a decision of Suspension or Expulsion made by the Discipline Officer, may register for Classes and continue to attend Classes. If the Student loses the appeal, no credit will be given for work completed subsequent to the date given in the UAB decision. (CLRC 26 SEP 2002) (EXEC 10 JAN 2005) (BEAC 22 APR 2005) (CLRC 24 MAY 2012)

## **30.6 Procedures for Appeal of Decisions to the University Appeal Board (UAB)**

### **30.6.1 Initiation of an Appeal**

**30.6.1(1)** When a Student has been found to have committed an offence under the Code of Student Behaviour or an Applicant is found to have committed an offence under the Code of Applicant Behaviour, whether or not that Student or Applicant has been given a sanction, the Student or Applicant may appeal that decision, ~~except in the case of a decision of the Discipline Officer under 30.5.6(2)e.ii, which remains final and is not subject to appeal.~~ In cases where a severe sanction has been recommended to the Discipline Officer, once the student receives the final decision of the Discipline Officer, the student can appeal the decisions of both Dean and the Discipline Officer at the same time. The written appeal must be presented to the Appeals Coordinator in University Governance within 15 Working Days of the deemed receipt of the decision by the Student or Applicant. The finding that an offence has been committed, the sanction imposed or both may form the basis of appeal. The written appeal must also state the full grounds of appeal and be signed by the Appellant. The appeal shall be heard by the UAB. (CLRC 30 MAY 2002) (CLRC 25 SEP 2003) (EXEC 01 MAY 2006) (GFC 24 SEP 2007) (BEAC 17 OCT 2007) (EXEC 03 DEC 2012)

**30.6.1(2)** A Dean, ~~the Director of UAPS or a Unit Director~~ may appeal a decision of the Discipline Officer. The appeal must be presented in writing to the Appeals Coordinator in University Governance within 15 Working Days of the deemed receipt of the Discipline Officer's written decision. The decision shall normally be sent by campus mail and will be deemed to have been received 2 working days following mailing. The written appeal must state the full grounds of appeal and be signed by the Appellant. The appeal shall be heard by the UAB. (CLRC 30 JAN 2003) (EXEC 03 MAY 2004) (EXEC 02 MAY 2005)

**30.6.1(3)** If the appeal is only on the severity of sanction and there is no dispute over facts, the appellant or respondent may request to forego a formal hearing and elect to ask the UAB to hear the appeal only on paper. The request will be made in writing to the Appeals Coordinator, who shall forward it to the Chair for decision. To proceed with a paper appeal, all parties must agree to the request. (GFC 24 SEP 2007) (BEAC 17 OCT 2007)

**30.6.1(4)** The Appeals Coordinator shall keep both parties abreast of all appeals and decisions.

### **30.6.2 Terms of Reference and Powers**

**30.6.2(1)** The UAB, as delegate of General Faculties Council and the Board of Governors, shall have authority to determine whether or not an offence has been committed and to confirm, vary or quash sanctions imposed under the Code of Student Behaviour or the Code of Applicant Behaviour (Section 11.8 of the GFC Policy Manual). Any conditions imposed within a sanction and any additional sanction to be imposed should those conditions not be met, must be appealed at the time they are imposed and within the time limits set out in 30.6.1(1). If the conditions are not met, no further appeal is available when the specified additional sanction is imposed. (EXEC 04 MAR 2002) (CLRC 25 SEP 2003)

**30.6.2(2)** Meetings of the UAB shall be scheduled as required to hear and determine appeals against discipline decisions.



- 30.6.2(3)** All decisions made by the UAB will be final and binding.
- 30.6.2(4)** The appeal shall be based upon the denial of the offence, and/or the severity of the sanction. A defect in procedures shall not warrant the quashing of the decision being appealed from unless the defect complained of can reasonably be said to have deprived either party of a fair hearing.

### **30.6.3 Composition**

- 30.6.3(1)** For each hearing the UAB shall consist of 1 Academic Staff Member as chair and 2 Students. Each member shall be chosen from the panels listed below.
- 30.6.3(2)** All panel members (Academic Staff Members and Students) shall be elected by GFC. In selecting members of the Panel, GFC will attempt to keep the membership of the UAB as broadly representative as possible of all Faculties given the available pool of candidates, but it will be permissible for any of the panel members to come from one of the Faculties already represented by one of the other panel members.
- 30.6.3(3)** Panel of Chairs: GFC shall elect a panel of up to seven Academic Staff Members to serve as chairs of particular hearings. At least one of the panel members shall have a Law Degree. The Appeals Coordinator has the discretion to select a panel member with a Law Degree to chair a particular hearing. The panel members will serve for staggered terms of office of up to four years.
- 30.6.3(4)** Panel of Students: GFC shall elect a panel of 10 undergraduate Students and 6 graduate Students. All Student members shall be elected for up to two-year terms and are eligible for re-election. (EXEC 01 MAR 2004) (BEAC 30 APR 2004)
- 30.6.3(5)** When a hearing involves an undergraduate Student or an undergraduate Applicant\*, the UAB will include at least one undergraduate Student. When a hearing involves a graduate Student or a graduate Applicant\*, the UAB will include at least one graduate Student. For the purposes of selection and service on the UAB, graduate Students are considered to be from the Faculty where they receive supervision. Students who are in any joint graduate/undergraduate Degree program (e.g., the joint MBA/LLB program) are considered to be graduate Students for the purpose of service and selection on the UAB. (EXEC 01 MAY 2006) (EXEC 04 JUN 2012)

\*Applicant is defined in Section 11.8.3.4 of the Code of Applicant Behaviour.

- 30.6.3(6)** No UAB member in a hearing will be from a Faculty which is party to the dispute. Students in any joint Degree program will not be called upon to hear appeals that arise from any of the Faculties involved in the joint program.
- 30.6.3(7)** If all faculty members from the Panel of Chairs are unable to serve, the Appeals Coordinator may complete a Panel by selecting, in rotation, first from the UAB Panel of Chairs, and then from the GFC AAC Panel of Chairs. (EXEC 04 JUN 2012)
- If all student members from the Panel of Students are unable to serve, the Appeals Coordinator may complete a Panel by selecting, in rotation, either one full-time undergraduate student or one full-time graduate student, from the GFC AAC Panel of Students. (EXEC 04 JUN 2012)

The GFC Executive Committee shall have the discretion to appoint an Academic Staff Member as Chair for a hearing from outside the UAB or GFC AAC Panel of

Chairs. (EXEC 04 JUN 2012)

- 30.6.3(8)** At the discretion of the Chair, new members may attend a hearing as observers.
- 30.6.3(9)** Any panel member who has been called to serve on the UAB for a particular case may complete their service on that case even if their term on a panel expires or, in the case of students, a student graduates or changes status from undergraduate to graduate.
- 30.6.3(10)** The Appeals Coordinator or designate may approach the Provost and Vice-President (Academic) (or delegate) if the Appeals Coordinator becomes aware of any reason why a particular member is unable to serve on a hearing panel, and request that the UAB member not be called upon to hear the appeal. The decision of the Provost and Vice-President (Academic) (or delegate) is final and binding. (CLRC 25 NOV 2004) (EXEC 10 JAN 2005) (BEAC 22 APR 2005)

#### **30.6.4 Procedures Prior to a Hearing**

- 30.6.4(1)** As soon as an appeal is received the Appeals Coordinator shall:
- 30.6.4(1) a provide the Appellant with a written acknowledgement of the appeal;
- 30.6.4(1) b provide the Student or Applicant with a list of on-campus sources of assistance; (EXEC 01 MAY 2006)
- 30.6.4(1) c provide the Respondent with a copy of the written appeal, and advise the Respondent that a response is required within 10 Working Days; (CLRC 30 MAY 2002)
- 30.6.4(1) d select a Chair for the UAB hearing;
- 30.6.4(1) e provide both the Appellant and the Respondent with the name of the proposed UAB Chair and the names of all members of the panel;
- 30.6.4(1) f direct the Registrar to withhold Degrees, certification of marks and/or transcripts pending the outcome of the appeal;
- 30.6.4(1) g suspend any sanctions, ~~except exclusions,~~ imposed by the Dean or Discipline Officer, ~~or and suspend any sanctions imposed by University of Alberta Protective Services,~~ the Registrar ~~or Unit Director.~~ (BEAC 22 APR 2005) (EXEC 01 MAY 2006)
- 30.6.4(2)** The Appellant and Respondent will have 5 Working Days after receipt of the names to lodge a written challenge with the Appeals Coordinator requesting that the proposed UAB Chair or a panel member not serve on the appeal.
- 30.6.4(3)** Challenges may be made only on the grounds that the proposed UAB Chair or panel member may have a bias that would prevent a fair hearing and must include written reasons to support the challenge. The Chair shall consider and rule upon the challenge. The decision of the Chair may be made without a hearing and shall be final and binding. If the UAB Panel has been constituted, the Appeals Coordinator will replace the UAB member with another member who will be selected by rotation from the same constituent group (i.e., academic staff, undergraduate Student or graduate Student). (EXEC 04 JUN 2012)
- 30.6.4(4)** For each appeal, every attempt will be made to have a member in reserve from each category, prepared in advance to attend the hearing. (CLRC 30 JAN 2003)

- 30.6.4(5)** All UAB members should declare to the Appeals Coordinator their interests, if any, in a particular case in order to ensure objectivity and a fair hearing.
- 30.6.4(6)** The Appellant and Respondent must notify the Appeals Coordinator immediately upon selecting an Advisor or retaining legal counsel for purposes of representation at the UAB hearing.
- 30.6.4(7)** Upon receipt of the response to the appeal, a copy will be provided to the Appellant.
- 30.6.4(8)** Appeals are intended to proceed in a timely manner and the hearing date will normally be set to occur within 30 Working Days of the receipt of the appeal.
- 30.6.4(9)** A witness list must be provided to the Appeals Coordinator by both the Appellant and the Respondent at least 5 Working Days prior to the hearing date. The Appeals Coordinator shall ensure that as witnesses become known, the other party and the UAB are informed as to the identity of the witnesses.
- 30.6.4(10)** The UAB Chair in consultation with the Appeals Coordinator will decide any procedural questions that arise before the hearing.
- 30.6.4(11)** Either the Appellant or the Respondent may request in writing an extension of any time limits. The UAB Chair may extend any of the time limits where the UAB Chair is of the opinion that the applicant has a reasonable ground for requesting such extension. The decision of the UAB Chair may be made without a hearing and shall be final and binding.
- 30.6.4(12)**
- a. The Appeals Coordinator shall consult with the Chair, who shall set a time and place for the hearing of the appeal. (CLRC 30 MAY 2002)
  - b. Reasonable delays are allowed but should either party feel that an unreasonable time has passed without the date of the hearing being set, either party may appeal to the UAB Chair, through the Appeals Coordinator, for a ruling as to whether the delay is reasonable. If the UAB Chair decides the delay is unreasonably long, then the UAB Chair shall set the appeal hearing date within 10 Working Days and the appeal hearing must occur within 20 Working Days. The decision of the UAB Chair may be made without a hearing and is final and binding. (CLRC 30 MAY 2002)
  - c. The UAB Chair sets the time and place for the hearing, and the Appeals Coordinator shall constitute the University Appeal Board and provide its members with:
    - i. the date, time and place of the Appeal Hearing,
    - ii. the appeal and any documentation from the respondent, and
    - iii. if applicable, the written report of the Discipline Officer. (CLRC 30 JAN 2003)
- 30.6.4(13)** The Appeals Coordinator shall make certain that both parties have access to the Student's or Applicant's discipline file held in Student Conduct and Accountability, Dean's Office, ~~the Director of University of Alberta Protective Services' Office,~~ or the Registrar's Office ~~or the Unit Director's Office,~~ up until the time of an appeal hearing. (CLRC 29 MAY 2003) (EXEC 01 MAY 2006) (EXEC 02 APR 2012) (EXEC 11 MR 2016)

**30.6.4(14)** Notices and other appeal materials sent by the Appeals Coordinator may be hand-delivered, sent by courier, or by regular or registered mail in accordance with 30.5.1(6). In all cases, the Appeals Coordinator will decide which method of delivery will be used.

**30.6.4(15)** Once the date for the appeal hearing is set, the Dean and/or the Director of UAPS shall inform the Complainants that they may request permission to attend the full hearing of their case. The Director of UAPS shall forward such requests to the Appeals Coordinator. The UAB Chair shall decide whether a Complainant may attend as an observer for all or part of the hearing.

### **30.6.5 Procedures at the UAB Hearing**

**30.6.5(1)** The quorum of the UAB shall be three members: the Chair, and two Student members.

**30.6.5(2)** In hearing an appeal, the UAB:

- a) shall give all parties to the appeal the opportunity to be heard and to present evidence;
- b) in addition to considering the evidence presented and the arguments and submissions of the parties, may consider the written reports or written decisions that are under appeal; and
- c) may make any finding or decision of its own, or otherwise confirm, reverse or vary the decision under appeal. (GFC 24 SEP 2007) (BEAC 17 OCT 2007)

**30.6.5(3)** If the Appellant or Respondent does not appear on the date set for the hearing of the appeal, the UAB may, in its discretion, reschedule the hearing or proceed with the hearing in the absence of the Appellant or the Respondent. (EXEC 01 MAY 2006)

**30.6.5(4)** The UAB is authorized to receive advice related to procedural, evidentiary or legal issues raised during the course of an appeal.

**30.6.5(5)** The UAB may request additional material, seek advice from expert witnesses and may have a resource person or persons attend any or all portions of its hearings.

**30.6.5(6)** Material not submitted and/or witnesses not identified prior to an appeal hearing will not be accepted unless the UAB is of the opinion that, with the exercise of reasonable diligence, the material or witnesses could not have been made available or identified prior to the hearing and that the material or testimony of the witnesses is relevant to the appeal.

**30.6.5(7)** The UAB may accept any evidence that it, in its sole discretion, considers proper, whether admissible in a court of law or not; and it is not bound by the Alberta Evidence Act or the law of evidence applicable to judicial proceedings.

**30.6.5(8)** Either party may be accompanied and represented by one Advisor. (EXEC 03 DEC 2012)

**30.6.5(9)** The UAB shall hear the argument of both sides to the appeal and then, by majority vote, shall determine whether or not an offence has been committed and uphold or quash the decision under appeal. Where a decision against a Student or Applicant is upheld, the UAB may confirm, vary or suspend the sanction imposed. (EXEC 04 JUN 2012)

**30.6.5(10)** Both parties and the UAB may call and question witnesses and may call evidence. Each party is responsible for securing the attendance of their witnesses at the hearing.

**30.6.5(11) UAB Suggested Hearing Procedures**

**30.6.5(11)** The UAB shall conduct hearings in a manner which, in its sole discretion, it considers proper. All determinants of process shall be made by the Chair. The hearing will normally follow these procedures, which it may vary: (EXEC 04 JUN 2012)

30.6.5(11) a The Appeals Coordinator shall present the appeal to the UAB, and introduce the parties. (EXEC 04 JUN 2012)

30.6.5(11) b The Chair shall explain the rules of decorum, review the procedures to be followed, and confirm the jurisdiction of the UAB. The Appellant and Respondent may make statements, present evidence and ask questions as noted in this section. All questions should be directed through the Chair unless the Chair decides otherwise. The Chair shall ensure that everyone has sufficient opportunity to ask questions. (EXEC 04 JUN 2012)

30.6.5(11) c The Chair shall invite the Appellant (and/or Advisor) to make an opening statement and present the case. (EXEC 04 JUN 2012)

30.6.5(11) d The Chair will invite the Respondent (and/or Advisor) to question the Appellant. (EXEC 04 JUN 2012)

30.6.5(11) e The Panel may question the Appellant. (EXEC 04 JUN 2012)

30.6.5(11) f The Appellant's witnesses shall be called by the Chair one at a time and shall be present only when they are providing evidence. The witnesses shall be questioned first by the Appellant (and/or Advisor), then by the Respondent (and/or Advisor), and finally by the Panel. The Appellant (and/or Advisor) may then re-question the witness, only on matters that have arisen in the course of the previous questioning by the aforementioned parties. (EXEC 04 JUN 2012)

30.6.5(11) g When questioning is concluded, the witness shall be dismissed by the Chair. The questioning procedures shall be repeated for each witness. (EXEC 04 JUN 2012)

30.6.5(11) h The Chair shall invite the Respondent (and/or Advisor) to make an opening statement and present the case. (EXEC 04 JUN 2012)

30.6.5(11) i The Chair shall invite the Appellant (and/or Advisor) to question the Respondent. (EXEC 04 JUN 2012)

30.6.5(11) j The Panel may question the Respondent. (EXEC 04 JUN 2012)

30.6.5(11) k The Respondent's witnesses shall be called by the Chair one at a time and shall be present only when they are providing evidence. The witnesses shall be questioned first by the Respondent (and/or Advisor); next by the Appellant (and/or Advisor); and finally by the Panel. The Respondent (and/or Advisor) may re-question the witness, only on matters that have arisen in the course of the previous questioning by the aforementioned parties. (EXEC 04 JUN 2012)

30.6.5(11) l When questioning is concluded, the witness shall be dismissed by the Chair. The questioning procedures shall be repeated for each witness. (EXEC 04 JUN 2012)

- 30.6.5(11) m The Chair shall invite the Appellant (and/or Advisor) to present any evidence the Appellant (and/or Advisor) may have by way of rebuttal. Such evidence shall be subject to questioning by the Respondent (and/or Advisor); followed by the Panel. (EXEC 04 JUN 2012)
- 30.6.5(11) n The Chair shall invite the Appellant (and/or Advisor) to make a brief closing statement which is not subject to questioning. (EXEC 04 JUN 2012)
- 30.6.5(11) o The Chair shall invite the Respondent (and/or Advisor) to make a brief closing statement which is not subject to questioning. (EXEC 04 JUN 2012)
- 30.6.5(11) p The Chair shall adjourn the hearing for deliberation; the Appellant and Respondent (and Advisors) shall leave the hearing. (EXEC 04 JUN 2012)

**30.6.5(12)** The UAB will deliberate and reach a decision by majority vote. In cases where the UAB has determined on the balance of probabilities that the Student or Applicant has committed an offence(s), or if otherwise relevant to the consideration of the appropriate sanction, the UAB may take into account any past record of related offence(s) in determining appropriate sanction(s). The UAB may contact the Appeals Coordinator to confirm if there is a previous discipline record. (EXEC 01 MAY 2006) (EXEC 08 SEPT 2008) (EXEC 04 JUN 2012)

**30.6.5(13)** The Chair of the Panel, where practical, will communicate the decision to the Appeals Coordinator. The Appeals Coordinator, as soon as possible, will relay the decision to the Appellant (and Advisor) and the Respondent (and Advisor). (EXEC 04 JUN 2012)

**30.6.5(14)** The Chair shall normally submit the written decision of the UAB to the Appeals Coordinator within 10 Working Days of the decision being reached. The Appeals Coordinator shall then send a copy of the UAB's decision to the following individuals:

- a) the Appellant/ Respondent and their respective advisor;
- b) the Dean of Student's Faculty;
- c) the Discipline Officer, in cases where the Discipline Officer's decision has been appealed;
- d) the Instructor who initiated the discipline process, where applicable;
- e) in the case of a graduate Student, the Graduate Coordinator
- f) the Provost and Vice-President (Academic), or delegate;
- g) the Office of General Counsel;
- h) Chair of the Student Conduct Policy Committee;
- i) members on the hearing panel; and
- j) the Panel of Chairs.

(CLRC 29 NOV 2001) (CLRC 30 JAN 2003) (EXEC 08 DEC 2003) (BEAC 11 DEC 2003) (BEAC 02 JUN 2005) (EXEC 04 JUN 2012) (GFC 26 FEB 2018)

In programs jointly offered with another institution, the partner institution shall be copied on the UAB decision when the charges have arisen as a result of inappropriate behaviour at that partner institution. (BEAC 02 JUN 2005)

Code of Applicant Behaviour decisions shall be sent to the Registrar and all Faculties to which the Applicant has sought admission. (EXEC 01 MAY 2006)

**30.6.5(15)** The Appeals Coordinator will direct the Registrar to amend the Student's Central Academic Record or Transcript as appropriate to the decision. (CLRC 30 SEPT 2004) (EXEC 10 JAN 2005) (BEAC 22 APR 2005) (EXEC 01 MAY 2006) (EXEC 15 JUN

2012)

**30.6.6 Hearings of the University Appeal Board are closed to the Public and University Community.**

**30.6.6(1)** The confidential and closed nature of this hearing means that only those persons who have a need to know about the matter may have access to the relevant material.

**30.6.6(2)** If the Vice President (Academic) and Provost and/or the Dean of Students believe that the general issues related to discipline cases should be discussed within the University Community, then a time and venue for such a discussion to take place will be arranged.

**30.7 Amendment of the Code**

**30.7.1 Legislative Authority**

General Faculties Council (GFC) and the Board of Governors may amend the Code in exercise of the authority vested in them by Section 31 of the *Post-Secondary Learning Act*. (CLRC 25 SEP 2003) (CLRC 29 OCT 2004 e-mail vote)

**30.7.2 Editorial Amendments**

**30.7.2(1)** The Student Conduct Policy Committee (SCPC) decides which amendments are editorial. (CLRC 29 OCT 2004 e-mail vote) (SCPC 25 JAN 2018)

**30.7.2(2)** On delegated authority from GFC, all editorial amendments will be approved by the Student Conduct Policy Committee (SCPC) except editorial amendments to Section 30.6. (CLRC 29 OCT 2004 e-mail vote) (SCPC 25 JAN 2018)

**30.7.2(3)** All amendments to Section 30.6 will be forwarded to the GFC Executive Committee for approval. (CLRC 29 OCT 2004 e-mail vote)

**30.7.3 Substantive Amendments**

**30.7.3(1)** Amendments to the Code deemed substantive by SCPC are forwarded to the GFC Executive Committee, which will decide whether or not it can act on behalf of GFC. (CLRC 29 OCT 2004 e-mail vote) (SCPC 25 JAN 2018)

**30.7.3(2)** Only substantive changes to Section 30.6 proceed to the Board Educational Affairs Committee, which will decide whether or not it can act on behalf of the Board of Governors. (BEAC 11 JUNE 2004)

**30.7.3(3)** The Secretary to GFC must notify Students' Union and the Graduate Students' Association of all substantive changes to the Code (including Section 30.6) 15 Working Days before those changes are considered by GFC. The Students' Union and the Graduate Students' Association will be invited to contact their members so that the Students can access the changes on the World Wide Web via University Governance's home page.

**30.7.4** The Code must be published in each issue of the *University Calendar*. All amendments approved to the Code and subsequent to the publication of the Calendar are available on-line at:

<https://www.ualberta.ca/governance/resources/policies-standards-and-codes-of-conduct/code-of-student-behaviour> (CLRC 29 OCT 2004 e-mail vote)

**30.7.5** The Coordinator of SCPC, in consultation with the Appeals Coordinator, shall maintain the Official Copy of the Code and all amendments thereto. (CLRC 29 OCT 2004 e-mail vote) (SCPC 25 JAN 2018)



(CLRC 29 NOV 2001)	(EXEC 04 MAY 2009)
(CLRC 28 FEB 2002)	(CLRC 24 NOV 2011)
(EXEC 04 MAR 2002)	(EXEC 05 DEC 2011)
(CLRC 22 APR 2002)	(CLRC 26 JAN 2012)
(CLRC 30 MAY 2002)	(CLRC 22 MAR 2012)
(CLRC 26 SEP 2002)	(EXEC 02 APR 2012)
(CLRC 31 OCT 2002)	(CLRC 24 MAY 2012)
(EXEC 13 JAN 2003)	(EXEC 04 JUN 2012)
(CLRC 30 JAN 2003)	(CLRC 22 NOV 2012)
(CLRC 27 MAR 2003)	(EXEC 03 DEC 2012)
(EXEC 07 APR 2003)	(CLRC 25 APR 2013)
(CLRC 27 NOV 2003)	(CLRC 06 JUN 2013)
(EXEC 08 DEC 2003)	(GFC 03 FEB 2014)
(BEAC 11 DEC 2003)	(CLRC 28 AUG 2014)
(EXEC 01 MAR 2004)	(EXEC 12 NOV 2014)
(BEAC 30 APR 2004)	(GFC 28 SEP 2015)
(EXEC 03 MAY 2004)	(CLRC 03 FEB 2016)
(BHRCC 05 MAY 2004)	(EXEC 11 MAR 2016)
(CLRC 27 MAY 2004)	(SCPC 25 JAN 2018)
(BEAC 11 JUN 2004)	(GFC 26 FEB 2018)
(EXEC 14 JUN 2004)	(SCPC 11 APR 2019)
(CLRC 30 SEP 2004)	(BG 08 MAY 2020)
(CLRC 29 OCT 2004 e-mail vote)	
(CLRC 25 NOV 2004)	
(EXEC 10 JAN 2005)	
(CLRC 03 MAR 2005)	
(EXEC 04 APR 2005)	
(BEAC 22 APR 2005)	
(EXEC 02 MAY 2005)	
(BEAC 02 JUN 2005)	
(CLRC 23 JUN 2005)	
(EXEC 01 MAY 2006)	
(BG 12 MAY 2006)	
(GFC 24 SEP 2007)	
(BEAC 17 OCT 2007)	
(CLRC 22 NOV 2007)	
(EXEC 07 JAN 2008)	
(EXEC 05 MAY 2008)	
(BG 12 MAY 2008 effective JULY 1, 2008)	
(CLRC 18 JUN 2008)	
(EXEC 08 SEP 2008)	
(CLRC 25 SEP 2008)	
(CLRC 29 JAN 2009)	
(EXEC 02 MAR 2009)	



**Governance Executive Summary  
Action Item**

<b>Agenda Title</b>	<b>Proposed Revisions to Terms of Reference – General Faculties Council</b>
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**Motion**

THAT the General Faculties Council approve the proposed changes to the GFC Terms of Reference as set forth in Attachment 1, to take effect upon approval.
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**Item**

Action Requested	X Approval <input type="checkbox"/> Recommendation
Proposed by	General Faculties Council
Presenter(s)	Andrei Tabirca, NASA Representative, GFC

**Details**

Office of Administrative Responsibility	General Faculties Council
The Purpose of the Proposal is <i>(please be specific)</i>	The proposal is before the Executive Committee to discuss proposed revisions to the terms of reference for GFC, to amend the composition of GFC to include the NASA President.
Executive Summary <i>(outline the specific item – and remember your audience)</i>	<p>The Non-Academic Staff Association (NASA) is the union representing the more than 5,000 support staff at the University of Alberta. The work that NASA members do reflects the diversity of the University of Alberta—there are student advisors and recruiters, building service workers, library personnel, administrative and clerical personnel, tradespeople, researchers, lab assistants, computer technicians, nurses, and engineers. The work NASA members do is what makes the university work.</p> <p>NASA members constituted the majority of the 1,000+ layoffs required by SET, after our funding cuts, with hundreds of colleagues losing their jobs in an attempt to balance our budget. NASA presence at GFC includes two voting members and the Board of Governors representative.</p> <p>Currently the Presidents of SU, GSA and AASUA are all on GFC as appointed members. By adding the NASA President as an appointed member, GFC can rectify this oversight and ensure increased representation for our 5,000 NASA members.</p> <p>As a self-governing body, GFC has added appointed members to its composition to deal with, discern, and discuss items. GFC currently has 162 members; 84 are statutory members named in the Post-Secondary Learning Act, and the remaining 78 are appointed members added by GFC over the years. The addition of the NASA President as an appointed member will increase the size of GFC to 163 members.</p>

Supplementary Notes and context	<This section is for use by University Governance only to outline governance process.>
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**Engagement and Routing** (Include meeting dates)

Consultation and Stakeholder Participation (parties who have seen the proposal and in what capacity)  <For information on the protocol see the <a href="#">Governance Resources section Student Participation Protocol</a> >	<u>Those who are actively participating:</u> •
	<u>Those who have been consulted:</u> •
	<u>Those who have been informed:</u> •
Approval Route (Governance) (including meeting dates)	October 31, 2022 – GFC Executive Committee (for recommendation) November 14, 2022 – GFC (for approval)

**Strategic Alignment**

Alignment with <i>For the Public Good</i>	Objective 21: Encourage continuous improvement in administrative, governance, planning, and stewardship systems, procedures, and policies that enable students, faculty, staff, and the institution as a whole to achieve shared strategic goals.	
Alignment with Core Risk Area	Please note below the specific institutional risk(s) this proposal is addressing.	
	<input type="checkbox"/> Enrolment Management <input type="checkbox"/> Faculty and Staff <input type="checkbox"/> Funding and Resource Management <input type="checkbox"/> IT Services, Software and Hardware <input checked="" type="checkbox"/> Leadership and Change <input type="checkbox"/> Physical Infrastructure	<input checked="" type="checkbox"/> Relationship with Stakeholders <input checked="" type="checkbox"/> Reputation <input type="checkbox"/> Research Enterprise <input type="checkbox"/> Safety <input checked="" type="checkbox"/> Student Success
Legislative Compliance and jurisdiction	Post-Secondary Learning Act	

Attachments (each to be numbered 1 - &lt;-&gt;)

1. Proposed GFC terms of reference (extract)
2. Position Description for NASA President (extract)

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## 1. Mandate and Role of the Committee

The University of Alberta is governed bicamerally by the Board of Governors and General Faculties Council (GFC); they share and balance power within the University and are called upon to provide both oversight and strategic vision. The proper functioning of the Board and GFC are essential to the university's institutional autonomy and the processes of collegial academic governance.

GFC is the University's senior academic governing body defined in the *Post-Secondary Learning Act (PSLA)* and is responsible for the **academic affairs** of the University, subject to the authority of the Board of Governors. The Board of Governors has primary responsibility for the business affairs of the institution.

## 2. Areas of Responsibility

General Faculties Council (GFC) operates by authority of the Post-Secondary Learning Act (PSLA). The PSLA allows GFC to delegate its responsibilities to GFC standing committees and other persons.

GFC has delegated authority on many matters to GFC standing committees, faculty councils, officials of the University, and other bodies (see Section 6), thus allowing it to focus on high level strategic items of academic significance which include, but are not limited to:

- high level strategic and academic stewardship policy issues or matters of significant academic consequence to the University;
- alterations to the mandate, terms of reference, composition, or structure of a Standing Committee;
- those things which a Standing Committee considers to be of major strategic significance to or long-term impact on the University;
- those matters on which, in the opinion of a Standing Committee chair, there has been a strong division of opinion within the Standing Committee; and
- issues in which there is a lack of clarity as to which Standing Committee is responsible.

## 3. Composition

### Voting Members (162)

#### Statutory:

##### ***Ex-officio (27) – PSLA, Sec 23(a)***

- President, Chair
- Vice-Presidents (6)
- Dean of each Faculty (18)
- Vice-Provost and Chief Librarian
- Vice-Provost and University Registrar

##### ***Statutory Student Members (3) – PSLA, Sec 23(c)***

- 2 students nominated by the Students' Union
- 1 student nominated by the Graduate Students' Association

##### ***Elected members (54) – PSLA, Sec 23(b)***

- full-time academic staff (A1.1 and A1.6) elected by Faculty/School Council in the numbers assigned by GFC



**Appointed -- PSLA, Sec 23 (d):**

**Elected Students**

- undergraduate students (40)
- graduate students (14)

**Other appointees (24)**

- Vice-Provost and Dean of Students, or delegate
- President of AASUA
- President of St. Joseph's College, or delegate
- Principal of St. Stephen's College, or delegate
- 1 representative from Chairs' Council
- Board of Governors Representatives (6)
  - 1 academic staff member, nominated to the Board by GFC
  - 1 academic staff member, nominated to the Board by AASUA
  - 2 undergraduate students, nominated to the Board by the Students' Union
  - 1 graduate student, nominated to the Board by the Graduate Students' Association
  - 1 non-academic staff, nominated to the Board by NASA
- 2 non-academic staff; elected by NASA, up to 1 may be from excluded category
- 1 APO/FSO Representative, elected by AASUA
- 2 Academic Teaching Staff (ATS), elected by AASUA
- 3 library academic staff elected by the academic staff of the University Library
- 1 Postdoctoral Fellow, elected by the Postdoctoral Fellows Association
- 1 elected Management and Professional Staff (MAPS) representative, election conducted by University Governance
- 3 College Deans
- President of NASA

*Reapportionment of elected faculty and student seats takes place every three years with at least one faculty and one student per Faculty.*

*Each Faculty shall adopt a method of election for their respective elected faculty representatives to GFC. Academic staff members serve three year terms, elected individuals may serve more than one term. Faculties may elect members to serve one- or two-year terms in order to provide overlapping terms. Persons on leave normally do not serve.*

*Elected students are elected in accordance with the principles approved by GFC February 3, 1971. Student members serve a one year term, elected individuals may serve more than one term.*

*The President will chair GFC. In the absence of the President, GFC will be chaired by the Provost or by the Dean serving on the GFC Executive Committee.*

**Non-voting Members**

- University Secretary
- GFC Secretary

**4. Delegated Authority from the Board of Governors**

*Should be reviewed at least every three years and reported to GFC and the Board.*

- 4.1 Physical Testing and Immunization of Students - individual Faculty regulations (sub-delegated to GFC Academic Standards Committee)



- 4.2 General Space Programs for academic units (sub-delegated to GFC Facilities Development Committee)
- 4.3 Proposals concerning the design and use of all new facilities and the repurposing of existing facilities. In considering such proposals, GFC may provide advice, upon request, to the Provost and Vice-President (Academic), Vice-President (Facilities and Operations), and/or the University Architect on the siting of such facilities.

## 5. Responsibilities Additional to Delegated Authority

- 5.1 Receive an information session on the proposed budget each year just prior to being introduced to the Board approval process, and receive information on the budget, however 'soft', at the first GFC meeting in September.

## 6. Delegations from General Faculties Council

*Should be reviewed at least every three years and reported to GFC.*

- 6.1 The PSLA allows GFC to delegate its responsibilities to GFC standing committees and other persons. Specific delegations from GFC are outlined in the following:

[GFC Delegations](#)

## 7. Limitations to Authority

GFC is subject to the authority of the Board of Governors

## 8. Reporting

GFC reports regularly to the Board of Governors with respect to its activities and decisions through the GFC nominee to the Board of Governors.

## 9. Definitions

Reapportionment - The process by which the number of members that may be elected by each Faculty is determined. This number elected faculty members shall be proportional to the number of faculty members in each Faculty. The number of elected undergraduate student members shall be proportional to the number of undergraduate students in each Faculty. It is, in effect, a "representation-by-population" system. Reapportionment occurs every three years.

Academic staff – as defined by the [Recruitment Policy \(Appendix A\) Definition and Categories of Academic Staff, Administrators and Colleagues](#) in UAPPOL

Non-Academic staff – as defined by the [Recruitment Policy \(Appendix B\) Definition and Categories of Support Staff](#) in UAPPOL

AASUA – [Association of Academic Staff University of Alberta](#)

NASA – [Non-Academic Staff Association](#)



Repurposing: Significant changes to the use of a facility, as determined by the Vice-President (Facilities and Operations) or delegate.

## 10. Links

[Procedure for Reapportionment](#)

[GFC Apportionment Table](#)

[Post-Secondary Learning Act \(2003\)](#)

Approved by General Faculties Council:  
April 29, 2019  
September 20, 2021  
October 17, 2022



**POSITION DESCRIPTION  
NASA PRESIDENT**

The President represents the organization both to the University, in the broader Labour community, and to the public through the media.

As full-time chair of the Executive Board, the President ensures the board works together toward their strategic goals and objectives.

The President ensures the Board's work is in keeping with the Bylaws. This role provides leadership and direction on behalf of the Executive Board to the Association's Director of Operations. The President ensures that NASA actively contributes to the broader labour movement in any area that will advance the broad interests of the members and the union.

The President is expected to exemplify the following characteristics of Servant Leadership: listening, empathy, healing, awareness, persuasion, conceptualization, foresight, stewardship, commitment to the growth of people, and building community.