



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 Section 11 of 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)

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

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 himself or herself;
 - 30.1.1(1) b to be presumed not to have committed an offence until his or her 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 his or her 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 his or her 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, Section 23.6) (CLRC 24 MAY 2012)
- 30.2.4 **Advisor.** A person who will assist the Appellant or the Respondent during the disciplinary process. Assistance may be provided by the Student OmbudService, Student Legal Services, legal counsel or another Advisor as the Appellant or Respondent choose.
- 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, the Office of Student Judicial Affairs, 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)

- 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, the Office of Student Judicial Affairs, 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)
 - 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 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)
- 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 **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)
- 30.2.21 **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)

- 30.2.22 **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.
- 30.2.23 **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)
- 30.2.24 **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)
- 30.2.25 **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.
- 30.2.26 **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.
- 30.2.27 **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.
- 30.2.28 **Registrar.** The University Official invested with custody of Students' Central Academic Records.
- 30.2.29 **Respondent.** The person(s) who replies to an appeal.
- 30.2.30 **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)
- 30.2.31 **Student OmbudService.** "Student OmbudService" includes ombuds services for undergraduate and graduate Students.

- 30.2.32 **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 of Alberta Calendar, Section 23.9.2. (CLRC 24 MAY 2012)
- 30.2.33 **UAB.** University Appeal Board.
- 30.2.34 **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)
- 30.2.35 **University Activities.** “University Activities” include but are not limited to, teaching, research, studying, administration, meetings, and public service.
- 30.2.36 **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.
- 30.2.37 **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)
- 30.2.38 **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.
- 30.2.39 **University Supplies and Documents.** “University Supplies and Documents” include but are not limited to equipment, keys, records, insignias, stationery, forms and permits.
- 30.2.40 **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, 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 him or herself as another or have or attempt to have himself or herself 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 Practice Review Board as constituted under the Practicum Placement Intervention Policy. (BG 12 May 2008)
- 30.3.3(7) In hearing appeals as provided for in the Code, the Practice Review Board 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)
- 30.3.3(8) Any appeals of Code charges that accompanied a Practicum Intervention under the Practicum Placement 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 Practice Review Board. (BG 12 May 2008)

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/Policies/Discrimination-Harassment-and-Duty-to-Accommodate-Policy.pdf>

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 Harassment, Bullying, Sexual Harassment and Racial Harassment. (CLRC 25 APR 2013)

<https://policiesonline.ualberta.ca/PoliciesProcedures/Policies/Discrimination-Harassment-and-Duty-to-Accommodate-Policy.pdf>

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(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 Gaming and Liquor Board regulations regarding the use of alcohol on campus. These regulations must be posted at any function serving alcohol on campus.

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) The decision maker, at his or her discretion, 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) Reserved (CLRC 22 NOV 2007)

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, 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;

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

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 §22.2.9 of the *University Calendar* shall apply.

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 § 22.2.9 of the *University Calendar* shall apply. (CLRC 26 SEP 2002)

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 his or her program. (CLRC 27 MAR 2003)
- 30.4.2(7) d The remark on a transcript of 8 (or 9 for 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)
- 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, his/her 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 § 22.2.9 of the *University Calendar* shall apply. (CLRC 30 MAY 2002)
- 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 of Alberta Calendar for more information on admission and readmission. (<http://www.registrar.ualberta.ca/calendar/>) (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; (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; and
- 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

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 Exclusion from all or specified areas of the University for an unspecified period of time;
- 30.4.3(3) b Expulsion;
- 30.4.3(3) c Suspension;
- 30.4.3(3) d Suspension of specified Essential University Services or Resources for more than one year;
- 30.4.3(3) e Suspension of a Degree already awarded;
- 30.4.3(3) f Rescission of a Degree already awarded;
- 30.4.3(3) g an order for Restitution; and
- 30.4.3(3) h a Fine not to exceed \$2000.

30.4.4 Public Information about Disciplinary Sanctions

- 30.4.4(1) For reporting requirements, see GFC CLRC Terms of Reference at: <http://www.uofaweb.ualberta.ca/governance> (EXEC 02 MAR 2009)
- 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:

- 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 (a decision not to proceed may be reviewed); 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.

- 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, Section 20.3), 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)
- 30.5.1(6) d Notices, decisions and other appeal materials sent to a Dean, 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, he or she 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, he or she 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, he or she 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, he or she 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 decide 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 a complaint under the following circumstances:
- 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)** If the Director of UAPS and/or Dean has declined to proceed with a complaint, the Complainant must be notified in writing and the reasons given.
- 30.5.2(8)** The Complainant may appeal a decision of the Dean and/or Director of UAPS not to proceed by delivery of a written letter to the Appeals Coordinator within 15

working days of the deemed receipt of the decision. 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. The Office of the Provost and Vice-President (Academic) shall, in consultation with the Appeals Coordinator, authorize a three-person panel to review the Dean and/or UAPS Director's decision. None of the members of this panel shall be members of the UAB. At least one member of the three-person panel shall be a Student appointed by the Associate Provost and Dean of Students. (CLRC 30 MAY 2002)

- 30.5.2(8) a If the panel decides that the decision of the Director of UAPS and/or Dean was appropriate then no further proceedings shall be taken respecting the complaint under this Code.
- 30.5.2(8) b If the panel decides that the decision of the Director of UAPS and/or Dean was not appropriate, the panel shall direct the Discipline Officer to proceed with the complaint in accordance with 30.5.6 or 30.5.7.
- 30.5.2(8) c The Appeals Coordinator will forward the panel's decision to the Discipline Officer and the Complainant. The decision of the panel is final and binding.

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 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 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 that the Student did not violate the Code, such decision shall not invalidate the prior action of the Instructor. The Dean shall, 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 in the course that he or she instructs, 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)
- 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 [30.2.3]. (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 he or she 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, 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)

- 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 [30.2.3].
- 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 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 [30.2.3].

In cases stemming from a breakdown in interpersonal relations, the Discipline Officer may, at his or her 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 a 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 his or her 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 he/she 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, 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 he or she 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 the Office of Student Judicial Affairs, Dean's Office, the Director of University of Alberta Protective Services' Office, 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)

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 he/she 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 his/her respective advisor;
- b) the Dean of Student's Faculty;
- c) the Discipline Officer, in cases where his/her 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 Campus Law Review 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)

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 Campus Law Review Committee (CLRC) decides which amendments are editorial. (CLRC 29 OCT 2004 e-mail vote)
- 30.7.2(2)** On delegated authority from GFC, all editorial amendments will be approved by the Campus Law Review Committee (CLRC) except editorial amendments to Section 30.6. (CLRC 29 OCT 2004 e-mail vote)
- 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 CLRC 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)
- 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:
<http://governance.ualberta.ca/CodesofConductandResidenceCommunityStandards/CodeofStudentBehaviour.aspx> (CLRC 29 OCT 2004 e-mail vote)
- 30.7.5** The Coordinator of CLRC, 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)

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