

# PART ONE of the CODE of STUDENT BEHAVIOUR

## 30. CODE OF STUDENT BEHAVIOR

### 30.1 INTRODUCTION AND DEFINITIONS

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, and a concomitant obligation to respect these freedoms when they are exercised by others.

The offences listed below describe, in general terms, behaviors which if left unchecked would, to an unacceptable degree, infringe upon these freedoms and thus threaten the proper functioning of the University.

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.

### DEFINITIONS

In these procedures, the following words have the following meanings:

- (a) **Student** - A person who is registered as a student at the University whether or not for credit.
- (b) **Student Affairs** - Any activities or conduct which relate to, or which may represent or be seen as representing, the University of Alberta, whether such activities or conduct occur on campus or off campus when the activities or conduct relates to student status.
- (c) **Complaint** - A written and signed statement as a result of which proceedings under these procedures may be instituted.
- (d) **Appellant** - Any person who appeals under these procedures.
- (e) **Discipline Officer** - The Administrative Officer for Student Disciplinary Procedures, who is the person charged by the President with the implementation of these procedures.
- (f) **Dean of Student Services** - Dean of Student Services or designate.
- (g) **Member of the University Community** - Any registered student, academic staff or non-academic staff member.
- (h) **Dean** - Unless indicated otherwise, "Dean" shall be interpreted as the Dean (or designate) of the Faculty which offers the course in which there is an allegation of academic wrongdoing on the part of a student.
- (i) **Director of Campus Security** - Director of Campus Security or designate.
- (j) **Fine** - A fine shall mean an order for payment of a sum certain by the student to the University of Alberta. Subject to the agreement between the student and the University, however, and subject to availability of appropriate work, the fine may be paid in whole or in part through the provision of services. Calculation of the value of the work shall be in accordance with rates normally paid for the position to be occupied.
- (k) **Suspension** - Suspension requires a student to withdraw completely from the University for a specified period of time, to a maximum of three years. Upon expiry of the period of suspension the student will be permitted to re-enroll in the program from which he or she was suspended. 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 the University of Alberta. See also Section 30.9.
- (l) **Expulsion** - 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 Vice-President (Academic) in consultation with the Faculty from which the student was expelled. Such approval shall not be given before the expiry of three years. Any course work completed at any institution during the period of expulsion will not be accepted as credit towards an individual's degree, or for admission to a degree program, or other certification at the University of Alberta. See also Section 30.9.
- (m) **Instructor** - The person charged with the responsibility of assigning the grade in a course, or the person formally charged by the Department or the Faculty of Graduate Studies and Research with the responsibility for advising the graduate student or with the responsibility for supervising the thesis or project.

cause, cause any other person to fear physical abuse or fear damage to such person's property.  
(b) knowingly create a condition which unnecessarily endangers or threatens the health, safety or well-being of other persons or threatens the damage or destruction of property.  
5. **Sexual Harassment**  
No student shall sexually harass another person. Sexual harassment shall be defined as unsolicited, unwanted sexual advances, or requests for sexual favors, unsolicited, unwanted verbal or physical conduct of a sexual nature, and unsolicited, unwanted or visual material of a sexual nature.  
6. **Possession of Misappropriated Property**  
No student shall possess University property or property of any member of the University community without the consent or authority of the University or member of the University community as the case may be.  
7. **Unauthorized Use of University Facilities, Equipment, Materials or Services**  
No student shall knowingly:  
(a) use any facility, equipment, material or service contrary to express instruction or without proper authority.  
(b) obtain any University equipment, material, or service by fraudulent means or by providing false information.  
8. **Misuse of University Supplies or Documents**  
No student shall, without authority, knowingly make, alter, use, receive, or possess University supplies or documents. University supplies and documents include but are not limited to equipment, keys, records, and permits.  
9. **Misuse of Library or Computer Resources**  
No student shall knowingly:  
(a) 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 of the opportunity to have access to library resources.  
(b) use any University computer or computer related facility without proper authorization.

10. **Picketing and Demonstration**  
No student shall, on University property, individually or with a group and in connection with a demonstration including a rally or picketing:  
(a) knowingly 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, or  
(b) knowingly use words in a situation of clear and imminent danger which incite others to behavior which violates any article of this Section.  
11. **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, where the University Official or employee has reason to believe an individual is committing, has committed or is about to commit an offence.  
12. **Smoking**  
Smoking is prohibited during classes, laboratories and examinations, or at any time in any area where smoking is banned.  
13. No student shall knowingly aid or assist another student in the commission of any non-academic offence listed above.

### ACADEMIC OFFENCES

The integrity of University life and of the degrees the University confers are dependent upon the honesty and soundness of the teacher-student learning relationship and, as well, that 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.

- 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, research project or assignment in a course or program of study.
- Cheating**  
No student shall:  
(a) in the course of an examination, obtain or attempt to obtain information from another student or other unauthorized source or give or attempt to give information to another student, or knowingly possess, use or attempt to use any unauthorized material;  
(b) represent or attempt to represent oneself as another or have or attempt to have oneself represented by another in the taking of an examination, preparation of a paper or other similar activity;  
(c) submit in any course or program of study, without both the knowledge and approval of the person to whom it is submitted, all or a substantial portion of any academic writing, essay, thesis, research report, project or assignment for which credit has previously been obtained or which has been or is being submitted in another course or program of study in the University or elsewhere;  
(d) submit in any course or program of study any academic writing, essay, thesis, research report, project or assignment containing a statement of fact known by the student to be false or a reference to a source which reference or source has been fabricated.
- Confidential Materials**  
It shall be an offence to knowingly procure, distribute, or receive any confidential academic material such as pending examinations or laboratory results from any source without prior and express consent of the instructor.
- Misrepresentation of Facts**  
It shall be an offence to knowingly misrepresent material facts to another for the purpose of obtaining academic advantage or credit.
- Specific Faculty Offences**  
Faculties and administrative units will be required to define and publicize any academic offences which may be unique to their Faculty or area, together with attendant penalties, both of which must be filed with and approved by the Campus Law Review Committee.

Such offences and penalties will be considered by the Campus Law Review Committee and if approved by the Campus Law Review Committee and General Faculties Council, will be added to the list of offences and penalties. This list will be incorporated in an official appendix to the Code of Student Behavior and will have the same force and effect as if part of the Code. Where there is a difference of view as to the nature of the offence, the determination as to whether or not an offence under this Section is to be treated as an academic or non-academic offence shall rest with the Discipline Officer who shall consult with the Faculty and/or the Director of Campus Security.

(a) **Offences Specific to the Faculty of Dentistry**  
In addition to the academic offences listed in Section 30.4 the following offences will be deemed gross professional misconduct (Section 62.4 University Calendar) and will be appropriately penalized:  
(i) all attempts at deliberately falsifying patient records including forging instructor signatures,  
(ii) falsifying financial records related to patient treatment procedures,  
(iii) misrepresenting patient treatment to third party insurance carriers.

(iv) careless or negligent behavior resulting in unnecessary physical and/or mental harm to patients. The penalties for gross professional misconduct and the procedures followed will be those defined for academic offences in the Code of Student Behavior. (See 30.5 and 30.8 for penalties and procedures for academic offences.)

### (b) Offences Specific to the Faculty of Rehabilitation Medicine

(i) All students enrolled in the Faculty of Rehabilitation Medicine are bound by, and shall comply with, the Professional Code of Ethics governing the profession and practice of their discipline.  
(ii) "Professional Code of Ethics" means all provincial and federal Codes of Ethics governing the profession or practice of occupational therapy, physical therapy, or speech pathology and audiology, as the case may be.  
(iii) A student enrolled in the Faculty of Rehabilitation Medicine who contravenes the Professional Code of Ethics governing the profession or practice of their discipline commits an offence under the Code of Student Behavior when, at the time of the alleged offence, the student was involved in field work, apprenticeship, clinical training, or other similar work related to a course of study in the Faculty of Rehabilitation Medicine.

(iv) Where proceedings have been instituted against a student under the Code and separate proceedings are commenced against the same student relating to the same cause or matter under the Professional Code of Ethics, the Dean may stay proceedings under the Code pending the outcome of the proceedings brought pursuant to the Professional Code of Ethics.  
(v) It shall be the responsibility of each Rehabilitation Medicine student to obtain, and be familiar with, the Professional Code of Ethics relevant to their discipline, and all amendments thereto as may be made from time to time.

6. No student shall knowingly aid or assist another student in the commission of any academic offence listed above.

### 30.5 PENALTIES

In the case of a breach of the Code of Student Behavior the following penalties may be imposed at the discretion of the Dean of Student Services or the University Appeal Board.

- (a) **For non-academic offences**
- (i) Expulsion.
- (ii) Suspension.
- (iii) A fine of not more than \$500.00.
- (iv) Restitution.
- (v) Reprimand.
- (vi) Exclusion from specified areas of the University.
- (b) **For academic offences**
- (i) Expulsion.
- (ii) Suspension.
- (iii) An academic penalty consistent with University, Faculty, or Departmental rules.
- (iv) Academic probation.
- (v) Reprimand.

2. Where the penalty of suspension or expulsion has been imposed, and unless the Dean of Student Services or the University Appeal Board otherwise stipulate, the effective date for the commencement of the suspension or expulsion shall normally be the date upon which the Discipline Officer informs the student that the student has been suspended or expelled. Such notification may be hand-delivered or sent by mail. When sent by outside mail, it shall be sent by double-registered mail to the address which has been provided to the University or to the Discipline Officer. Notice may be deemed to have been effected one week following mailing to the last known address.  
3. In determining both the length and/or the effective date of the penalty, the Dean of Student Services or the University Appeal Board shall take into account the impact on the student's academic program and record.  
4. A student shall receive credit for any courses passed by the effective date of the suspension or expulsion. (See also Section 30.7.3(c)(viii) and 30.8.3(c)(viii).)

5. Withdrawals resulting from suspension or expulsion decisions will result in grades of "W" which will remain part of the student's permanent academic record.

### 30.6 STUDENT DISCIPLINARY PROCEDURES

The following are the procedures to be followed in the cases of allegations of academic and non-academic offences. Formal procedures described below are to be utilized when less formal conciliatory measures prove ineffective.

### 30.7 PROCEDURES FOR NON-ACADEMIC OFFENCES

1. **Initiation and Conduct of Proceedings:**

- (a) Any person who has reason to believe that a student is guilty of a non-academic offence may initiate proceedings against the student.
- (b) Where a person has reason to believe that a student has committed a non-academic offence that person may, by a signed statement (the complaint) delivered to the Director of Campus Security request an investigation of the complaint. In the course of this investigation, the Director may consult the Discipline Officer.
- (c) 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.
- (d) The Director of Campus Security may decline to proceed with a complaint under the following circumstances:  
(i) Where the complaint is primarily concerned with regulations of another official University organization, and the Director of Campus Security believes that the complaint should be dealt with in accordance with procedures established by that organization.  
(ii) Where the Director of Campus Security believes that no University rule has been broken.  
(iii) Where the Director of Campus Security believes the complaint to be scandalous, frivolous or vexatious.  
(iv) Where an unreasonable time has elapsed since the incident.  
(v) Where the offence should be referred to the police or appropriate public authorities.

Where the Director of Campus Security has declined to lodge a complaint, the Complainant must be so notified and the reasons given. The person complaining may then appeal the Director of Campus Security's decision to the Discipline Officer.  
(e) Having decided to proceed with the complaint, the Director of Campus Security shall conduct an investigation and, if disciplinary measures are believed to be warranted, shall forward to the Dean of Student Services the results of the investigation along with a recommendation as to an appropriate penalty.

(F) The Dean of Student Services shall meet with the alleged offender, review the matter and determine if the facts as disclosed by the complainant are in dispute. In the event that the alleged offender refuses to meet with the Dean of Student Services, a decision and a penalty shall be arrived at taking into account whatever evidence is available.  
(i) Where the facts are determined not to be in dispute, the Dean of Student Services may impose one or more of the penalties listed in Section 30.5.1(a).  
(ii) Where the facts are in dispute, the Dean of Student Services will review the matter further by talking with all parties involved, and may either dismiss the charges or impose one or more of the penalties listed in Section 30.5.1(a). In the event that the alleged offender refuses to meet with the Dean to discuss the matter further, a decision and penalty shall be arrived at taking into account whatever evidence is available.  
(iii) When considering what would be an appropriate penalty, the Dean of Student Services may take into account the disciplinary record, if any, of the student against whom the complaint is made.

(g) Having reached a decision, the Dean of Student Services shall give a written report to the Discipline Officer. The report shall state what penalty, if any, is to be imposed upon the student, and the major circumstances taken into account in arriving at the decision.  
(h) Upon receipt of the above report, the Discipline Officer shall send a copy to the student, the Complainant, and the Director of Campus Security. If a penalty has been imposed, the Officer shall advise the student of the right to appeal and shall forward a copy of the University Appeal Board Procedures.  
2. **Initiation and Conduct of Appeals**  
(a) A student may appeal the decision of the Dean of Student Services by submitting a notice of appeal in writing to the Discipline Officer. Such notice must be received by the Officer no later than fifteen (15) calendar days after notification of the written decision of the Dean of Student Services. At the discretion of the Discipline Officer, an appeal may be accepted after the expiry of the fifteen days. The appeal shall be based upon denial of the offence, and/or shall relate to the severity of the penalty.  
(b) The notice of appeal must be in writing, signed by the appellant, and must state the grounds of appeal. The appellant must immediately notify the Discipline Officer upon retaining legal counsel or an advisor.  
(c) The Discipline Officer shall notify both parties of the date, time and place of the appeal hearing, which shall be at least fourteen (14) calendar days but no more than forty-five (45) calendar days following the receipt of notice of appeal. Each party shall receive a copy of the submission made to the Appeal Board by the other party. Each party will receive the names of the Board members and notification that either party may challenge membership to the Discipline Officer (Section 30.7.3(b)(ix)). The Discipline Officer shall also provide the student with a list of on-campus sources of assistance.  
(d) The Discipline Officer shall appoint the Appeal Board and provide its members with:  
(i) the date, time and place of the Appeal Hearing.  
(ii) the notice of appeal and any submission from the respondent, and  
(iii) the written report of the Dean of Student Services.

(e) Notices may be hand-delivered or sent by mail. When sent by outside mail, they shall be sent by double-registered mail to the address which has been provided to the University or to the Discipline Officer. Notice may be deemed to have been effected one week following mailing to the last known address.  
(f) Upon receiving notice of appeal, the Discipline Officer, in cases of expulsion or suspension, shall direct the Registrar to withhold degrees, certification of marks and/or transcripts of records pending the outcome of the appeal. Any other penalties imposed by the Dean of Student Services shall be suspended upon receipt by the Officer of notice of appeal.  
3. **Establishment of the University Appeal Board**  
(a) **General**  
Meetings of the University Appeal Board shall be scheduled as required to hear and determine appeals against disciplinary decisions of the Dean of Student Services. The University Appeal Board, as designate of General Faculties Council and the Board of Governors, shall have authority to confirm, vary or quash penalties imposed under Section 30.7.1.  
(b) **Composition, Terms of Reference and Chair**  
(i) The University Appeal Board shall consist of the following regular members elected by General Faculties Council: one faculty member (who shall hold the Chair upon election by the regular members of the Board), one other faculty member, two undergraduate students and one graduate student.  
(ii) All regular members shall come from different Faculties.  
(iii) Where the appeal involves a graduate student, the Discipline Officer shall, by rotation, replace one undergraduate student with one alternate graduate student.  
(iv) General Faculties Council shall also elect the following alternate members: three faculty members, four undergraduate students and four graduate students. To the extent it is possible, all alternate members should come from different Faculties and from Faculties not already represented by the regular members.  
(v) For the purposes of selection and service on the University Appeal Board, graduate students are considered to be from the Faculty where they receive supervision.  
(vi) Terms of office for all faculty members shall be up to three years as General Faculties Council shall determine. Faculty members are eligible for re-election.  
(vii) All student members shall be elected for up to two-year terms and are eligible for re-election.  
(viii) In order to ensure that no Board member will be from a Faculty, if any, which is party to the dispute, the Discipline Officer may replace, by rotation, any regular member with an alternate member from the same constituent group (ie. staff, undergraduate or graduate). For this purpose, graduate students are considered to be from the Faculty where they receive supervision.  
(ix) All Board members should declare to the Discipline Officer their interests, if any, in a particular case in order to ensure objectivity and a fair hearing.

(x) Appellant and respondent will be provided with the names of all Board members, regular and alternate, and will have five calendar days after receipt of the names to lodge a written challenge with the Discipline Officer requesting that a Board member not serve on an appeal. Challenges may be made only on the grounds that a Board member may have a bias which would prevent a fair hearing. Challenges must include written reasons to support the request. If the Discipline Officer concurs with the challenge the Officer will replace the Board member with an alternate member who will be selected by rotation from the same constituent group (ie. staff, undergraduate student or graduate student). The decision of the Discipline Officer is final and binding.  
(xi) Normally, the Chair of the Appeal Board will be appointed to chair each hearing. In instances where the Chair cannot serve, the Discipline Officer shall appoint another faculty member of the Board to chair the Appeal Board hearing.  
(xii) The quorum of the Appeal Board shall consist of one faculty member and two student members.

(c) **Appeal Board Procedures for Non-Academic Offences**  
(i) The appeal shall consist of a *de novo* hearing of the case.  
(ii) (1) The Appeal Board may accept any evidence that it, in its sole discretion, considers proper, whether admissible in a court of law or not and.  
(2) The Appeal Board is not bound by the Alberta Evidence Act or the law of evidence applicable to judicial proceedings.  
(iii) The Appeal Board shall conduct hearings in a manner which, in its sole discretion, it considers proper.  
(iv) A defect in procedures shall not warrant the quashing of the decision unless the defect complained of can reasonably be said to have deprived either party of a fair hearing.  
(v) The Board shall hear the argument of both sides to the appeal and then, by majority vote, shall uphold or quash the decision appealed from. Where a decision against a student is upheld, the Board may confirm, vary or suspend the penalty imposed.

The Appeal Board is authorized to receive procedural advice from the Discipline Officer.  
(vi) The Chair of the Board through the Discipline Officer shall, where practical, immediately communicate the decision of the Board to the student.  
(vii) The Chair shall submit the written decision of the Board to the Discipline Officer within seven (7) calendar days of the Board's decision being reached. The Discipline Officer shall then send to both parties and to the Dean of Student Services a copy of the Board's decision. The procedure for service of this report shall be that given in Section 30.7.2(e).  
(viii) Any penalty confirmed shall be deemed to have taken effect on the date determined in the original decision. Any new penalty shall take effect immediately upon oral notification (30.7.3(c)(vii)) or, failing that upon written notification (30.7.3(c)(viii)). During the appeal period the student may continue to attend classes. However, assignments and examinations will not be graded until and unless the appeal is successful. If the appeal is lost no credit will be given for work completed subsequent to the date given in the original decision.  
(ix) The final appeal in student discipline matters shall lie with the University Appeal Board. A decision of the University Appeal Board shall be final and binding.

### 30.8 PROCEDURES FOR ACADEMIC OFFENCES

1. **Initiation and Conduct of Proceedings**

- (a) Any person who has reason to believe that a student is guilty of an academic offence may initiate proceedings against the student.
- (b) (i) Where a person has reason to believe that a student has committed an academic offence in a particular course or program, that person may communicate the particulars of the time and place of the alleged offence and provide to the student's instructor a brief summary of the conduct alleged to have been committed by the student. Does not involve a specific course or program, the allegation of academic wrongdoing should be directed to the Dean of the student's Faculty. Where the matter is considered by the Dean, the Dean shall have the same powers and duties as the instructor.  
(ii) Where an instructor or Dean initiates the complaint, that person must prepare a written summary of the conduct leading to the offence alleged to have been committed by the student. The summary will form part of the documentation to be submitted to the Dean (Section 30.8.1(e)).  
(c) The instructor must discuss the alleged offence with the student and with the Dean.  
(d) Where the instructor has reason to believe that an offence has been committed, the instructor may impose one or more of the following penalties:  
(i) Reprimand.  
(ii) Additional work.  
(iii) Grade reduction on the assignment.  
(iv) Recommendation to the Dean that the student no longer be permitted to attend the course and that the student be given a mandatory grade of 1F which will appear on the transcript. The Dean may impose such a penalty.

In accordance with the provisions of Section 30.8.2(g), the student shall not be barred from attending and participating in the course pending the outcome of a possible appeal of the penalty.  
(v) Recommendation to the Dean that the student be suspended or expelled from the University.  
(e) Where a penalty other than reprimand is imposed, the instructor shall file with the Dean and the Dean of the Faculty in which the student is registered a statement in writing setting out:  
(i) a brief summary of the conduct alleged to constitute the offence, and  
(ii) a statement in writing that the instructor has reviewed the alleged offence with the student, and  
(iii) a brief statement giving details of the penalty imposed or recommended and reasons therefor.  
(f) The Dean shall notify the student of any penalty except for reprimand imposed under Section 30.8.1(d). Such notification shall be in writing and