

Part two of the Code of Student Behaviour. Part one was published Tuesday in *The Gateway*. Copies are available in our offices (Room 282 SUB).

(c) Appeal Board Procedures for 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) 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 a 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 Chairman of the Board through the Discipline Officer shall, where practical, immediately communicate the decision of the Board to the student.
- (vii) The Chairman shall submit the written decision of the Board to the Discipline Officer within seven 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 30.8.2(f).
- (viii) Any penalty imposed or confirmed shall take effect immediately upon oral notification (30.8.3(c)(vii)) or, failing that, upon written notification (30.8.3(c)(viii)).
- (ix) The final appeal in student discipline matters shall lie with a University Appeal Board. A decision of a University Appeal board shall be final and binding.

30.9 STUDENTS' RECORDS AND TRANSCRIPTS

Suspension imposed for disciplinary reasons shall appear on student records and transcripts until the suspension is lifted, and in the case of expulsion, an entry shall appear on student records and transcripts for the full period of expulsion.

30.10 DISCIPLINARY PROBLEMS OUTSIDE THE REGULAR WINTER, SPRING OR SUMMER SESSIONS

In the case of disciplinary problems with students in programs given by the University which lie outside the regular Winter, Spring and Summer Session program, GFC delegates to the Dean concerned the authority to take whatever action is deemed necessary. The student may appeal the Dean's decision to the Dean of Student Services whose decision shall be final and binding.

30.11 EXCLUSION FROM CLASS FOR DISRUPTIVE BEHAVIOR

NOTE: In these regulations the term 'class' refers to a period of instruction such as a lecture, a laboratory, a seminar, a tutorial, etc.

1. Exclusion from Class by an Instructor
 - (a) When a student disturbs, disrupts, or otherwise interferes with classroom activities, the instructor may immediately exclude the student from the course for a particular class and may also exclude the student from the next subsequent class in that course.
 - (b) If the behavior persists when the student is re-admitted to class, the instructor may again immediately exclude the student from the class and must lay a charge against the student under Section 30.3.1 of the Code of Student Behavior. The student's exclusion from class will be in effect until a final decision is reached by the Dean of Student Services or by the University Appeal Board. If a student is re-instated by a decision of the Dean of Student Services or by the University Appeal Board, such decision shall not invalidate the prior action of the lecturer. The Department Chairman 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.

(2) Exclusion from Class by a Dean

- (a) If the Dean of a Faculty where a course is taught is of the opinion that the disruptive behavior of a student does or may detrimentally affect more than one course, then the Dean may exclude a student from specified courses in that Faculty for up to five classes.
- (b) A student may appeal the Dean's decision to a University Appeal Board. Notwithstanding time limits specified in the Code of Student and Student Discipline Procedures, the University Appeal Board shall be scheduled to meet within fourteen (14) calendar days after the appeal has been lodged.
- (c) If a student is re-instated by the University Appeal Board, such decision shall not invalidate the prior action of the Dean. The Department Chairman shall, however, ensure that every effort is made to make up the student's lost class time, but the University shall not be held responsible for any lost class time.

(3) Dangerous Behavior

If an instructor is of the opinion that a student's behavior would constitute a danger, or risk of danger, to University students, staff or property, or to persons or property in the wider community, the instructor may recommend to the Dean of the Faculty in which a student is enrolled that the student be suspended or expelled.

30.12 SUSPENSION AND EXPICTION OF STUDENTS IN SITUATIONS OF DANGER

NOTES: The Dean is required to notify the Registrar of any decisions made pursuant to this power.

In the policies below, the terms suspension and expulsion have the following meanings:

Suspension - Suspension requires a student to withdraw completely from the University for a specified period of time, to a maximum of three years. The Dean may impose conditions for re-admission. Upon expiry of the period of suspension the student will be permitted to re-enrol in the program from which he or she was suspended, providing any special conditions imposed by the Dean have been met. 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.

Expulsion - Expulsion requires a student to withdraw completely from the University for an indefinite period of time. The Dean may impose conditions for re-admission which must be met before a request for re-admission is considered. 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.

(GFC 26 SEP 1988)

1. GFC Delegation of Powers Concerning Suspension for Reasons of Danger, Pending Student Discipline

When the Dean of the Faculty in which a student is enrolled is of the opinion that a student may have violated the Code of Student Behavior, the Dean may suspend the student, effective immediately, provided that the Dean is of the opinion that continued enrolment would constitute a danger, or risk of danger, to University students, staff or property, or to persons or property in the wider community. If the student has not already been charged under the Code of Student Behavior, then the Dean shall forthwith charge the student. The student shall not be permitted on campus for any purpose without the Dean's prior written approval until such time as any appeal is heard and decided.

The Dean is required to notify the following persons of the suspension: the Registrar, the Dean of Student Services, other Deans affected, the Director of Campus Security, and the student's course instructors.

(NOTE: When it appears that a Dean may take action under this delegated authority, it is to be hoped that every effort will be made to offer the student advice, or alternatively, that the student be referred to the appropriate area in the Office of Student Services.)

GFC Delegation of Powers Concerning Suspension/Expulsion for Reasons of Danger Outside the Code of Student Behavior

When the Dean of a Faculty in which a student is enrolled is of the opinion that a student constitutes a danger, or risk of danger to University students, staff or property, or to persons or property in the wider community, but where it does not appear that the student has violated the Code of Student Behavior, then the Dean may suspend or expel the student effective immediately.

The Dean is required to notify the following persons of the suspension/expulsion: The Registrar, the Dean of Student Services, other Deans affected, the Director of Campus Security, the Secretary to General Facilities Council, and the student's course instructors.

(NOTE: When it appears that a Dean may take action under this delegated authority, it is to be hoped that every effort will be made to offer the student advice, or alternatively, that the student be referred to the appropriate area in the Office of Student Services.)

The student may appeal the Dean's decision as set out below. The student shall not be permitted on campus for any purpose without the Dean's prior written approval until such time as any appeal is heard and decided.

(a) A Dean's decision shall be communicated to the student in writing together with brief reasons for the decision. The Dean must also notify the student of the 14 calendar-day deadline to lodge an appeal, and must provide the student with a copy of the appeal regulations.

Notices of decisions 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 Secretary to GFC. Notice may be deemed to have been effected one week following mailing to the last known address.

(b) The student (hereinafter cited as the 'appellant') may appeal the decision by lodging a written appeal with the Secretary to GFC within 14 calendar days after the decision was delivered or deemed to be delivered to the appellant. In no case shall an appeal be accepted after the 14-day deadline.

(c) The Secretary to GFC shall strike a three-person appeal board which shall be scheduled to meet within 14 calendar days after the Secretary receives the appeal.

(NOTE: The composition of this board is under review.)

The board will consist of:

- The Dean of Student Services who shall act as Chairman
- One faculty member, not a member of the Faculty involved, selected in rotation from the University Appeal Board
- One student (graduate or undergraduate, as determined by the appellant's status, selected in rotation from the University Appeal Board)

(d) The Dean (hereinafter cited as the 'respondent') and the appellant shall be given notice (either written or verbal) of the date and time of the hearing.

(e) If the appellant or respondent neglect or refuse to appear at the time of the hearing, the appeal board may in its discretion proceed with the hearing and either grant or deny the appeal.

(f) The appellant and respondent shall have the opportunity to present their cases to the appeal board. Either party may choose to be accompanied by legal counsel or other representative.

(g) The respondent shall present his or her case first.

(h) After all presentations are heard, the parties shall be excused and the appeal board shall reach a decision.

(i) Where the appeal is granted, the appeal board may uphold, vary or suspend the penalty imposed.

(j) If the appeal board upholds the appeal, such decision shall not invalidate the prior action of the Dean. Every effort shall be made, however, to ensure that the student's lost class time is made up, but the University shall not be responsible for any lost class time.

(k) The Secretary to GFC shall send the written decision to the appellant. Notices of decisions 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 Secretary of GFC. Notice may be deemed to have been effected one week following mailing to the last

known address.

(l) The appeal board's decision shall be final and binding.

30.13 ADMINISTRATION REQUIREMENTS

All applications for approvals to engage in any of the following activities must be made in writing to the appropriate authority and shall be approved or rejected with written reasons attached.

1. The outdoor use of public address systems, loud-speakers, bull-horns, sound trucks, or similar equipment on the campus of the University is not permitted without the prior written approval of the Director of Physical Plant. It should be noted that City of Edmonton bylaws apply on peripheral streets.

2. The use of the name of the University or the emblem or coat of arms of the University, or of a registered University group, on any publication, including correspondence, without the written approval of the Office of the Vice-President (Administration) is prohibited. An appeal shall lie with the Board of Governors. As a matter of policy, such approval will not be granted to anonymous publications.

3. The use of alcoholic beverages on the Campus of the University is regulated for registered University groups under the terms and conditions of the University's Institutional Licences. Authorization for functions involving the service of alcohol is controlled by the Office of the Dean of Student Services. Appeals shall lie with the Office of the Vice-President (Administration).

4. In order to obtain an excused absence from examinations, tests and other academic requirements, off-campus trips by individuals, groups and teams representing student organizations must be approved by the Dean of Physical Education (or designate) in the case of athletic matters and by the Deans' Council or its designate in all other cases. An appeal shall lie from decisions in this regard with the Vice-President (Academic).

5. Arrangements for showing films on Campus, except for those used as part of the academic or academically related programs, must be made through the Office of the Registrar (Examinations and Timetabling) in accordance with the procedures as set out in the Manual of Administrative Policies, Procedures and Services, Section 4.2.2. The Executive Assistant to the Vice-President (Administration) may make regulations from time to time for the aforementioned purpose in conformity with the Alberta Amusements Act and other applicable provincial legislation. An appeal shall lie with the Vice-President (Administration). (GFC 27 JAN 1986)

6. University individuals, groups and organizations may advance a cause and distribute or sell related literature or other similar material:

- (a) in designated Activity Zones, provided that the use of the Zones has been reserved in advance with the Office of the Registrar (Examinations and Timetabling) and provided that permission has been obtained from the Executive Assistant to the Vice-President (Administration). An appeal shall lie to the Vice-President (Administration).
- (b) in areas other than Activity Zones with the prior approval of the Dean or other administrative officer or committee in charge of the area. An appeal shall lie with the Office of the Vice-President (Academic).

7. Canvassing and soliciting are forbidden on the campus of the University. Exceptions may be made only by the Executive Assistant to the Vice-President (Administration). An appeal shall lie with the Vice-President (Administration).

8. University groups or individuals wishing to invite the general public to on-campus events or to sponsor off-campus speakers are responsible for so informing the Director of Campus Security and for making related arrangements including space reservations, protection of persons and property, and payment of any related costs. Additional information may be obtained from Office of the Vice-President (Administration).

9. Members of the University community may put up posters and notices on "open" notice boards as long as the posters and notices do not create a nuisance. Enquiries concerning other displays or signs on University property should be directed to the Dean of Student Services. Notices may not be affixed to trees or shrubs. The libraries, food service areas, the Administration Building, and University Hall are to be kept free of any but official notices.

30.14 UNIVERSITY STUDENT GROUP REGISTRATION PROCEDURES

1. Definition

Student Group

For the purposes of these regulations, the term "student group" shall include, but not be limited to, club, association, organization, society, fraternity, sorority, fellowship.

2. Requirements for Registration

University student groups are required to register with the University through the Office of the Dean of Student Services in order to ensure that each group accepts its share of responsibility for protecting the property and the good name of the University.

A non-registered University student group shall not be permitted to carry on activities of any description whatsoever on University property.

To be eligible for registration a group must be able to provide, upon request, satisfactory evidence of the following:

- (a) That the group's stated purposes, goals or activities comply with the philosophy of the University as stated in Section 30.1 of the GFC Policy Manual; and that the group is willing to assume the responsibilities inherent in that philosophy.
- (b) That the group is duly constituted.
- (c) That a minimum of two-thirds of the total membership, and 75% of the executive, must be registered as part-time or full-time students during the current academic year.
- (d) That an acceptable constitution exists (Guidelines to group constitutions are available in the Office of Student Services)
- (e) That in the case of clubs previously registered a minimum of one general meeting has been held during the past twelve months.
- (f) That a minimum of one general meeting is scheduled during the next twelve months.
- (g) (i) that a bank account in the name of the group exists.
- (ii) that a minimum of two signatures of executive officers are necessary for most banking transactions.
- (iii) that all monies go toward the operating expenses of the group, as it carries out its stated purpose/objectives/goals, and
- (iv) that financial records are maintained in proper order for possible auditing.

(h) Indemnification

That the group completes an indemnification agreement.

At the discretion of Dean of Student Services or designate the group shall provide a bond in an amount to be fixed by the Dean of Student Services. In the event of any damage to University property the bond will be used to pay the cost of the damage.

3. Registration Procedure

To apply to become a registered University of Alberta student group, or to re-register (if registered the previous academic year), a group must:

- (a) Complete the appropriate Application for Registration/Re-Registration Form (available in the Office of the Dean of Student Services).
- (b) Complete a University of Alberta Indemnification Agreement indemnifying the University from all liability in respect of any acts of the club, its members, or its executive (available in the Office of the Dean of Student Services).
- (c) Forward the completed form, the signed and witnessed Indemnification Agreement, and a current constitution to the Office of the Dean of Student Services.

Within two weeks of receiving a completed registration/re-registration form and a copy of the group's current constitution, the Office of the Dean of Student Services will notify the applicant as to the registration status. The applicant will be given either:

- (i) Full Registration Status for the academic year, or
- (ii) Provisional Registration Status, subject to the provision of additional information. The additional information may take the form of any of the following:
 - a complete membership list, including addresses, phone numbers, and I.D. numbers. (Students who do not wish to divulge their student I.D. numbers to the group may submit a Statutory Declaration to the group to the effect that they are bona fide University of Alberta students.)
 - a financial statement for the preceding year. If an audit is necessary, the complete accounts for the club should be available.
 - the minutes of general meetings held during the last twelve months.

Such information shall be regarded by Student Services as confidential.

4. Denial or Termination of Registration

The Dean of Student Services or designate may deny or terminate group registration under any of the following conditions:

- (a) The group's stated objectives or activities or the manner of carrying out its activities would, in the opinion of the Dean of Student Services, by their very nature, lead to justified complaints under the Code of Student Behavior.
- (b) The group's stated objectives or activities or the manner of carrying out its activities, would, in the opinion of the Dean of Student Services, by their very nature, lead to justified complaints under the Code of Student Behavior.
- (c) The group's stated objectives or activities or the manner of carrying out its activities would, in the opinion of the Dean of Student Services, by their very nature, offend the provisions of the Individual's Rights Protection Act (and/or any other human rights legislation that applies in this Province)
- (d) The group's stated objectives or activities or the manner in carrying out their activities will place non-group members in danger beyond that accepted normally by those who use the facilities of the campus.

(e) The group's purposes, goals or objectives or the manner in carrying out their activities do not, in the opinion of the Dean of Student Services, comply with the stated philosophy of the University.

(f) In the course of carrying out its activities the group or any of its members fail to comply with the University Administration Requirements of the Code of Student Behavior (Section 30.13).

(g) The group no longer meets the minimum requirements for registration, as set out in Section 30.14.2; or

(h) The group or any of its member has not satisfactorily carried out its responsibilities to protect the property and good name of the University.

5. Appeal of Termination or Denial of Registration

Appeal of any decision made by the Dean of Student Services shall be made through the existing University appeal procedures within thirty (30) days.

6. Complaint Against Member(s) of a Group

Complaints against a member or members of a group shall be to the Discipline Officer and subsequent proceedings will be dealt with by the established Discipline Procedures.

Financial reparation will be an automatic penalty for any damage inflicted by a group or members of a group. The direction to make financial reparation may be made against a group, or any members of the group, or both. Furthermore, at the discretion of a Disciplinary Panel any of the following penalties may be levied in addition to the above:

- (a) termination of group registration.
- (b) fine of not more than \$500.
- (c) suspension or curtailment of group privileges.
- (d) reprimand.
- (e) posting of a bond.

Where it is mutually acceptable to the Panel and the group, the group or any of its members may perform community services, either on or off campus, without compensation for such services. Said services may be in addition to or in lieu of any of the penalties contained in the preceding list.

7. Review/Revision Process

The Office of the Dean of Student Services shall present an annual report on Group Registration to the Campus Law Review Committee for review and possible revision of procedures and policies.

30.15 ADMINISTRATIVE INFORMATION

1. University groups or individuals sponsoring functions on or off-campus are responsible for maintaining discipline and enforcing liquor and other regulations on the premises where the functions are being held.

2. All students living in or attending a University residence are subject to the rules and regulations of that residence. Rules and regulations in force including any amendments are posted at the business office of the residence, or in the areas affected.

3. 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.

4. Persons desiring to carry on commercial activity on property under the government and control of the Students' Union should obtain permission from the Students' Union.

5. The University of Alberta comes under the purview of the Alberta Fire Prevention Act, R.S.A. 1970 c. 115 and the regulations therein. The University of Alberta Board of Governors has approved and adopted a University Fire and Safety Code that is applicable to students, staff and visitors.

6. By agreement with the American Federation of Musicians (AFM), orchestras organized and playing on Campus need not consist wholly of Federation members, but all orchestras brought in to play for University functions must be made up of Federation members. For further information, students should contact the Secretary of the AFM (422-2449).

7. The Campus Law Review Committee reviews the rules and regulations of the University relating to student disciplinary matters on a continuing basis. Members of the University community have the right to speak to and make representations concerning the above at any duly constituted CLRC meeting.

- (GFC 24 FEB 1975)
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