Code of Student Behavior Revised

30.7 PROCEDURES FOR NON-ACADEMIC OFFENCES
1. Initiation and Conduct of Proceedings
(a) Any person who has reason to believe that (a) Any person who has reason to believe that a student is guilty of a non-academic offense 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 (or designate), 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

the time and place, person or persons involved, and all relevant information con-

involved, and all relevant information con-cerning the incident. (d) The Director of Campus Security may decline to proceed with a complaint under t h e f o l l o w i n g circumstances

(i) Where the complaint is primarily con-cerned 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 or-

(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, friv-

olous 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 auth-

orities.
Where the Director of Campus Security has declined to lodge a complaint, the Complainant must be so notified and the reasons.

plainant 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

omplaint are in dispute.

(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).

listed in section 30.5.1(a).

(ii) Where the facts are in dispute, the Dean of Student Services will review the matter further, if necessary 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).

(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

(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 the student, and the major translations taken into account in arriving at the decision. (h) Upon receipt of the above report, the Discipline Officer shall send a copy to the

n) Opon receipt of the above report, the student of ficer shall send a copy to the student of 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. The Discipline Officer may, at his or her discretion, accept an appeal after the expiry of the fifteen days.

fifteen days.

(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 (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.blixl). 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

(ii) the letter of appeal and any submission from the respondent

(iii) the written report of the Dean of Stu-ent 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 a University Appeal Board

(a) General (a) General
Meetings of the University Appeal Board
shall be scheduled as required to hear and shall be scheduled as required to hear and determine appeals against disciplinary decisions of the Dean of Student Services. The University Appeal Board, as designates 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 Chairmanship

(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, one other faculty member, two undergraduate students

faculty member, two undergraduate students and one graduate student.

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 f a c u l t y m e m b e r s, 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.

ent faculties and from Faculties not already represented by the regular members. (v) Terms of office for all faculty members shall be up to three years as General Faculties Council shall determine. Faculty members are eligible for reelection.

are eligible for reelection.

(vi) All student members shall be elected for up to two-year terms and are eligible for re-election.

(vii) In order to ensure that no Board member will be from a Faculty, if any, which is party to the dispute, the Discipline Officer party to the dispute, the Discipline Officer may replace, by rotation, any regular member with an alternate member from the same constituent group (i.e., staff, undergraduate or graduate). For this purpose, graduate students are considered to be from the Faculty where they receive supervision.

(viii) All Board members should declare to the Discipline Officer their interests if any in

the Discipline Officer their interests, if any, in a particular case in order to ensure objectivity and a fair hearing.

and a fair hearing.

(ix) 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 hear she will then replace the Board member or she will then replace the Board member with an alternate member who will be selected by rotation from the same constitu-

selected by rotation from the same constituent group (i.e., staff, undergraduate student) regraduate student). The decision of the Discipline Officer is final and binding.

(x) Normally, the Chairman of the Appeal 30 and will be appointed to chair each hearing. In instances where the Chairman cannot serve, the Discipline Officer shall appoint another faculty member or alternate faculty member of the Board to chair the Appeal 30 and Hearing.

30ard Hearing.
(xi) The quorum of the Appeal Board shall consist of one faculty member and two stu-

(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, consider solutions of the constant o 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 hear-

ings 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. student is upheld, the Board may confirm, vary or suspend the penalty imposed.

The Appeal Board is authorized to recei

procedural advice from the Discipline Of-

(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.

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 imposed or confirmed shall take effect immediately upon oral notification or, all to a tion | 3 0. 7 . 3 (c)

(vi)) or, failing that, upon written notification | 30.8.3(c)(vii)].

(ix) The final appeal in student disciplinary matters shall lie with a University Appeal Board. A decision of a University Appeal Board shall be final and binding. 30.8 PROCEDURES FOR ACADEMIC OF-

FENCES
1. Initiation and Conduct of Proceedings (a) Any person who has reason to believe that a student is guilty of an academic offense 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 per son may communicate the particular course or program, that per son may communicate the particulars of the time and place of the alleged offence and provide a prief, written summary of the conduct alleged to have been committed by the student to the student's instructor. In cases where the alleged academic offence does not involved 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, he or she shall have the same powers and duties as the instructor.

(ii) Where an instructor or Dean initiates the complaint, he or she must prepare a writt e n s u m m a r y of the conduct leading to the offense alleged to have been committed by the student. The summary will form part of the documentation to be submitted to the Dean [section 20.8.1(a)]

tion 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, he or

(i) Reprimand, (ii) Additional work, (iii) Grade reduction on the assignment, (iv) Recommendation to the Dean that the (iv) Recommendation to the Dean that the student no longer be permitted to attend the course and that the student be given a man-datory grade of 1F which will appear on the transcript. The Dean may impose such a

penalty.

(v) Recommendation to the Dean of suspension or expulsion from the University. (e) Wherea 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 offense, and
(ii) a statement in writing by the instructor

(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 therefore.
(f) The Dean shall notify the student of any

penalty except for reprimand imposed under s e c t i o n 30.8.1(d). Such notification shall be in writing and may be hand-delivered or 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. (g) The Notice of Penalty shall also include (g) The Notice of Penalty shall also include notification of the right to appeal the penalty to a University Appeal Board (see Section 30.8(1)(d)(i-iv) for appealable penalties) and that Notice of Appeal must be delivered to the Discipline Officer no later than fifteen (15) calendar days after receipt of the Dean's potification.

notification.
(h) Where an instructor has recommended expulsion or suspension, the Dean shall alert and consult with the Dean of the Faculty in which the student is registered in regard to the situation concerning the student. After making such enquiries as the Dean considers necessary, the Dean shall either reject the recommendation or confirm and forward it

necessary, the Dean shall either reject the recommendation or confirm and forward it to the Dean of Student Services.

(i) Where the Dean of Student Services receives a recommendation for expulsion or suspension, he or she shall review the matter 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(b). In reviewing the matter, the Dean of Student Services shall disregard any previous disciplinary record.

disciplinary record.
When considering what would be an appropriate penalty, the Dean of Student Services may take into account the disciplinary account the disciplinary control of the disciplinary c nary record, if any, of the student against

whom the complaint is made.

(j) 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 also in account in arriving at the decision. taken into account in arriving at the decision. (k) Upon receipt of the above report, the Discipline Officer shall send a copy to the student and to the Dean. If a penalty has been imposed, the Officer shall advise the student

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 imposition of any penalty imposed under Section 30.8.1 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. The Discipline Officer may, at his or her discretion, accept an appeal after the expiry discretion, accept an appeal after the expiry

f the fifteen days.

The appeal shall be based upon denial of the offence, and/or shall relate to the severity

of the penalty.
(b) If the Dean has reason to be aggrieved by the decision of the Dean of Student Services [30.8.1(j)], he or she may appeal the decision

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. The Discipline Officer may, at her or his discretion, accept an appeal after the expiry of the fifteen days. (c) 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. (d) The Discipline Officer shall notify both parties to the original case before the Dean of Student Services 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 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 Board Members and notification that either party may challenge membership to the Discipline Officer [section 30.8.3.(b)(ix)]. The Discipline Officer shall also provide the student with a list of on-campus sources of assistance.

on-campus sources of assistance.
(e) The Discipline Officer shall appoint the Appeal Board and provide its members with: (i) the date, time and place of the Appeal

(ii) the letter of appeal and any submission

(ii) the letter of appeal and any submission from the respondent.
(iii) the written report of the Dean of Student Services (or designate) if appropriate.
(f) 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 ast known address.

(g) 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 transpires of records pending the outcome of the ripts of records pending the outcome of the appeal. Any other penalties imposed under 30.8.1 shall be suspended upon receipt by the Officer of notice of appeal.

3. Establishment of the University Appeal

(a) General

Meetings of the University Appeal Board shall be scheduled as required to hear and shall be scheduled as required to hear and determine appeals against disciplinary decisions of the Dean of Student Services, Instructors and Deans of Faculties. 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 30.8.1 by any one of the above-mentioned three bodies.

(b) Composition, Terms of Reference and Chairmanship (i) The University Appeal Board shall con-

(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, 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 f a c u l t y m e m b e r s , 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

ent Faculties and from Faculties not already represented by the regular members.

(v) Terms of office for all faculty members shall be up to three years as General Faculties Council shall determine. Faculty members are eligible for reelection.

(vi) All student members shall be elected for up to two-year terms and are eligible for re-election.

(vii) In order to ensure that no Board member will be from a Faculty which is party to the dispute, the Discipline Officer may replace, by rotation, any regular member with an alternate member from the same i.e., staff, undergrade or graduate). For this purpose, graduate stu-dents are considered to be from the Faculty where they receive supervision. (viii) 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.

and a fair hearing.

(ix) Appellant and respondent will be provided with the names of all Board members, r e g u l a r a n d alternate, and will have five calendar days 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 he or she will then curs with the challenge he or she will then replace the Board member with an alternate member who will be selected by rotation from the same constituent group (i.e., staff, undergraduate student or graduate student). The decision of the Discipline Officer is final

and binding.
(x) Normally, the Chairman of the Appeal
Board will be appointed to chair each hearing. In insances where the Chairman cannot serve, the Discipline Officer shall appoint another faculty member or alternate faculty

member of the Board to chair the Appeal

Board hearing.
(xi) The quorum of the Appeal Board shall consist of one faculty member and two stu-

dent members.

(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, consider some solution of the case.

(ii)(1) The Appeal board may accept any evidence that it, in its sole discretion, consider some solution of the case of the case

(iv) A defect in procedures shall not war-rant 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.

vary or suspend the penalty imposed. The Appeal Board is authorized to receive procedural advice from the Discipline Of-

ricer.

(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)(viii)].

(ix) The final appeal in student disciplinary in the disciplinary in the disciplinary in the state of the

(iv) The final appeal in student disciplinary matters shall lie with a University Appeal Board. A decision of a University Appeal Board shall be final and binding.

Proposed Changes to the Code of Student Behavior

DEFINITIONS OF EXPULSION AND SUS-

Suspension requires a student to withdraw Suspension requires a student to withdraw completedly 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 renroll 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.

s. 30.1 (m) Expulsion

s. 30.1 (m) 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 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 Alberts.

DEFINITION OF "INSTRUCTOR"

The person charged with the responsibility for a s s i g n - ing the grade in a course, or the person formally charged by the Department or Faculty with the responsibility for advising the graduate student or with the responsibility for supervising the thesis or project.

"SPECIFIC FACULTY OFFENCES" FOR THE FACULTY OF DENTISTRY In addition to the academic offences listed in

FACULTY OF DENTISTRY
In addition to the academic offences listed in Section 30.8, the following offences will be deemed to represent gross professional misconduct (Section 67.4 University Calendar) and will be appropriately penalized.

(a) all attempts at deliberately falsifying patient records including forging instructor signatures.

(b) falsifying financial records related to

(c) haising infarcat records related to patient treatment procedures,
(c) misrepresenting patient treatment to third party insurance carriers,
(d) careless or negligent behavior resulting in unnecessary physical and/or mental harm to p a tien ts.

The penalties for gross professional misconduct and the procedures followed will be a constant of the procedures followed will be a constant o

duct and the procedures followed will be those defined for academic offences in the Code of Student Behavior.

For further information contact your Students' Union 432-4236