

THE UNIVERSITY OF BRITISH COLUMBIA | OKANAGAN



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21 October 2009

To: Okanagan Senate

From: Mr. James Ridge, Registrar

**Subject: Discipline for Non-Academic Misconduct: Student Code of Conduct
(information)**

I have been advised by the Office of the University Counsel of a new policy for Discipline for Non-Academic Misconduct: Student Code of Conduct. Under s. 61(1) of the *University Act*, the President is assigned the power to “...deal summarily with any matter of student discipline.”

I would like to bring your attention to its inclusion in the online Calendar at <http://okanagan.students.ubc.ca/calendar/index.cfm?tree=3,54,1030,0>. The full text has been included herein.

<http://okanagan.students.ubc.ca/calendar/index.cfm?tree=3,54,1030,0>

Policies and Regulations

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1. Background

1.1 The University is a community of faculty, staff, and students involved in learning, teaching, research, and other activities. As members of this community, students are subject to the disciplinary authority of the University.

1.2 The purpose of this Student Code of Conduct is to define the general standard of conduct expected of students, provide examples of conduct that may be subject to disciplinary action by the University, provide examples of disciplinary measures that may be imposed, and set out the process and procedures that the University will follow when an allegation of non-academic misconduct is made.

1.3 The University does not stand in loco parentis to its students: in other words, the University does not assume the role of a parent. In the exercise of its disciplinary authority, the University treats students as free to organize their own personal lives, behaviour, and associations subject only to the law and to University regulations, including this Code. This Code is intended to govern conduct only to the extent necessary to protect the integrity and proper functioning of the academic and non-academic activities of the University, the peaceful and safe enjoyment of University facilities by other members of the University and the public, the freedom of members of the University to participate reasonably in the programs of the University and in activities in or on the University's premises, or to protect the property of the University or its members.

1.4 Any student found responsible for non-academic misconduct is subject to the disciplinary provisions of this Code, regardless of the action or inaction of civil authorities. Nothing in this Code precludes the University from referring an individual matter to the appropriate law enforcement agency before, during, or after disciplinary action is taken by the University under this Code. A student may be subject to criminal prosecution and/or civil proceedings notwithstanding, and in addition to, disciplinary action taken by the University against the student under this Code.

1.5 The University may also define standards of professional conduct for students in programs where these are appropriate, and this Code does not replace or supersede such standards.

2. Definitions

2.1 In this Code:

- (a) "student" means: a person who is presently enrolled at the University in a credit course or who is designated by resolution of the senate as a student, and includes co-op and exchange students;
- (b) the "University" means: the University of British Columbia; and
- (c) "premises" includes: lands, buildings, and grounds of the University.

2.2 Unless otherwise stated, a student will only be liable for conduct that he or she knew, or ought reasonably to have known, would constitute conduct prohibited under this Code.

3. Application

3.1 This Code applies to conduct that:

- (a) occurs on or near the premises of the University;
- (b) occurs elsewhere in the course of activities sponsored by the University, or where the conduct is alleged to adversely affect, disrupt or interfere with another person's reasonable participation in University programs or activities; or
- (c) occurs in the context of a relationship between the student and a third party that involves the student's standing, status or academic record at the University.

3.2 However, this Code will not apply to conduct that:

- (a) is specifically assigned to another disciplinary body within the University (e.g. Academic Misconduct or Scholarly Misconduct);
- (b) is subject to action for an alleged failure to meet standards of professional conduct as required by a college, faculty or school;
- (c) is subject to action under a residence discipline policy unless some non-residence University interests are deemed to be involved, in which case the matter may also proceed under this Code; or
- (d) is committed by a student in his/her capacity as an employee of the University unless some non-employment University interests are deemed to be involved, in which case the matter may also proceed under this Code.

4. Prohibited Conduct

4.1 Any conduct on the part of a student that has, or might reasonably be seen to have, an adverse affect on the integrity or the proper functioning of the University, or the health, safety, rights or property of the University or its members and visitors, is subject to discipline under this Code. **The following list sets out specific examples of prohibited conduct. It is intended to help students understand the type of conduct that will be subject to discipline: it is not an exhaustive list and students should be aware that their conduct may still be considered prohibited conduct under this Code even if it does not appear in the list below.**

4.2 Prohibited conduct that is subject to disciplinary measures includes, but is not limited to, engaging in, attempting to engage in, or assisting others to engage in any of the actions described below:

4.2.1 Misconduct against persons, which includes:

- (a) assault, harassment, intimidation, threats or coercion;
- (b) conduct that threatens or endangers the health, safety or property of any person;
- (c) conduct that creates conditions that endanger the health, safety, property or well-being of any person;
- (d) engaging in a course of vexatious conduct, harassment or discrimination that is directed at one or more specific persons and that is based on any of the protected grounds under the *BC Human Rights Code*; and
- (e) engaging in unwelcome or persistent conduct that the student knows, or ought to reasonably know, would cause another person to feel demeaned, intimidated or harassed.

4.2.2 Misconduct involving property, which includes:

- (a) taking without authorization, or misusing, destroying, defacing or damaging University property or property that is not his or her own, or information or intellectual property owned by the University or to any of its members;
- (b) possessing University property or property that is not his or her own, if the student knows that property to have been taken without authorization; or
- (c) creating a condition that unnecessarily endangers or threatens destruction of University property or property that is not his or her own.

4.2.3 Disruption

No student shall, by action, threat or otherwise, disrupt any activity organized by the University or by any of its faculties, schools or departments, or the right of other persons to carry on their legitimate activities, to speak or to associate with others.

4.2.4 Unauthorized Use of University Facilities, Equipment or Services

- (a) No student shall use any facility, equipment or service of the University, or enter or remain on any premises, to which he or she does not have legitimate access, or contrary to the expressed instruction of authorized persons.
- (b) No student shall use any University computing equipment, facility, network or system for any disruptive or unauthorized purpose, or in a manner that violates any law, University regulation, policy or procedure.
- (c) No student shall destroy, misplace, misfile, or render inoperable any stored information such as books, film, data files or programs from a library, computer or other information storage, processing or retrieval system.

4.2.5 False Charges

No student shall bring a false charge against any member of the University under this Code.

4.2.6 False Information and Identification

No student shall knowingly furnish false information to any person or office acting on behalf of the University, or forge, alter or misuse any University document, record or instrument of identification, or knowingly furnish false information to any person regarding his or her standing, status or academic record at the University.

4.2.7 Aiding in the Commission of Prohibited Conduct

No student shall encourage, aid, or conspire with another student in the commission of prohibited conduct, or encourage or aid behaviour by a non-student which, if committed by a student, would be prohibited conduct under this Code.

4.2.8 Refusal to Comply with a Direction of a University Representative

No student shall refuse to comply with a reasonable direction to do, or not to do, something that is made by a University representative authorized to make such a direction.

4.2.9 Refusal to Comply with Disciplinary Measures or the Terms of an Agreement Made Under Section 6

No student found to have committed prohibited conduct under this Code shall fail to comply with a disciplinary measure or disciplinary measures imposed under the procedures of this Code. No student who has agreed to take steps to correct or resolve a matter under section 6 of this Code shall fail to comply with the terms of that agreement.

4.2.10 Unauthorized Possession or Use of Dangerous Objects

No student shall store, possess or use firearms or other weapons, explosives (including fireworks), ammunition, or toxic or otherwise dangerous materials on University premises.

4.2.11 Alcohol or Drug Use

No student shall use, possess or distribute a controlled or restricted substance or contravene provincial liquor laws or the policies of the University governing the possession, distribution and/or consumption of alcoholic beverages.

4.2.12 Hazing

No student shall engage in hazing, which is defined as an act which endangers the mental or physical health or safety of a student for the purposes of initiation or admission into, affiliation with, or as a condition for continued membership in, a group or organization.

4.2.13 Contravention of University Regulations

When a rule, regulation or policy of the University prohibits or proscribes certain conduct but does not provide any penalty for breaches of the rule, regulation or policy, breaches shall be dealt with under this Code.

4.2.14 Contravention of Other Laws

No student shall contravene any provision of the Criminal Code or any other federal, provincial or municipal statute or regulation.

5. Disciplinary Measures

5.1 Disciplinary measures which may be imposed, singly or in combination, for non-academic misconduct include, but are not limited to, the following:

- (a) Warning or reprimand – A written warning or reprimand to the student.
- (b) Probation – A written reprimand and order for a designated probationary period in

which a student must fulfill certain conditions and have good conduct or otherwise be subject to the imposition of further or more severe disciplinary sanctions.

(c) Restitution – Payment of costs, or compensation for loss, damage or injury that may be monetary or in the form of appropriate service or material replacement.

(d) Apology - Issuance of a statement, apology or retraction in an appropriate form in public or in private.

(e) Loss of privileges – A denial of specified privileges for a specified period of time. Privileges are those that if restricted may affect full participation in campus life but not make it impossible to complete academic requirements.

(f) Restriction or prohibition of access or use – A denial for a specified period of time of, or conditions imposed on, a student's right to access to or use of any part or all of the University's lands, equipment, facilities, services, activities, programs, meetings or events or those held by, on, or in association with the University.

(g) Discretionary sanctions – Imposition of work assignments, service to the University or other such discretionary assignments that are considered appropriate and punitive, compensatory, or deterrent in nature, provided that any such work or service is available and not prohibited by labour or other service agreements.

(h) Fines or loss of fees – Levying of a fine, forfeiture or loss of payments, fees, or refunds. Fines will not normally exceed \$1000.

(i) Good behaviour bond - A bond or deposit for good behaviour paid by the student to Campus Security, which will be returned to the student after one calendar year if the student fulfills certain conditions. Bond will not normally exceed \$1000.

(j) Relocation or exclusion from residence – Relocation from a residence or exclusion of the student from residence for any specified period of time.

(k) Deregistration or termination – Removal of the student from one or more courses for one or more terms (which may require re-application for admission to a program or faculty, or termination from any internship, practicum, or research project).

(l) Suspension from the University – Suspension of the student from the University for a specified period of time after which the student is eligible to return. Conditions for readmission may be imposed. Suspension will normally also result in deregistration and/or the placement of an academic hold.

(m) Expulsion from the University – Expulsion of the student from the University.

5.2 Disciplinary measures for non-academic misconduct shall not ordinarily be recorded on a student's transcript unless the student is suspended or expelled. In the case of suspension, the transcript notation shall be removed upon lapsing of the suspension.

5.3 Refusal to comply with a disciplinary measure or disciplinary measures imposed under this Code is itself a serious offence and may result in suspension for up to two years.

5.4 Where the non-academic misconduct resulted in property damage, the disciplinary measures should include restitution or rectification.

5.5 Where a monetary disciplinary measure is imposed, the costs to the University and the degree of financial hardship imposed upon the student, if any, should be taken into consideration.

6. Process and Procedures

6.1 All incidents of suspected non-academic misconduct will be reported to Campus Security, who will then bring the matter to the attention of the Manager, Security & Parking at UBC Okanagan (the "Manager"). The Manager will consider the allegations and may do any of the following:

- (a) meet with the student suspected of the misconduct;
- (b) investigate further by any means deemed necessary and appropriate; or
- (c) refer the matter to the President's UBC Okanagan Non-Academic Misconduct Committee (the "Committee").

6.2 If the Manager believes that the suspected misconduct is of such a minor nature that it does not require corrective action or that the Committee is not likely to find facts that would result in disciplinary action, he or she may discontinue further action. Upon discontinuing further action, the Manager will notify the Committee in writing of his or her decision.

6.3 If the Manager believes that non-academic misconduct has occurred, he or she may determine what, if any, steps the student could take to correct or resolve the matter. If the student agrees to the resolution proposed by the Manager, an agreement outlining the steps to be taken by the student will be drawn up and signed by the student. If the student does not agree, the Manager will refer the matter to the Committee.

6.4 The Manager will keep a copy of the signed agreement, and will also provide a copy to the Committee. He or she will also monitor the student's compliance with the agreement.

6.5 Any agreement reached with the student must be consistent with University policy and procedures and must, in the opinion of the Manager, adequately resolve all aspects of the allegations made against the student. The student must be advised that the agreement is conditional upon compliance and that if the student fails to comply with any aspect of the agreement, the matter may be referred to the Committee and the non-compliance may constitute a separate incident of non-academic misconduct.

6.6 A record of the allegations and any decisions made as a result of the allegations will be retained in the student's file and, in the event of any further allegations of misconduct, the allegations may be considered when determining how to deal with subsequent alleged misconduct.

7. President's UBC Okanagan Non-Academic Misconduct Committee

7.1 The Committee is constituted to conduct investigations on alleged non-academic misconduct and to report its findings to the President, who then decides what discipline, if any, should be imposed pursuant to section 61 of the *University Act*. The University Counsel may set down rules for Committee investigations and may alter these rules from time to time. See the [Rules for the President's UBC Okanagan Non-Academic Misconduct Committee](#).

7.2 The Registrar, in consultation with the Chair of the Committee, may place the student on academic hold until the President has made his or her final decision.

7.3 A student may write to the Registrar to request the academic hold be removed. The request must include an explanation of why such an academic hold is not appropriate in the circumstances. The Registrar, in consultation with the Chair of the Committee, will determine if the request will be granted.

7.4 At the conclusion of the investigation, the Committee will review the evidence submitted to it, including the written allegations submitted by the Manager, Security & Parking and any other relevant materials submitted by the parties, and may consider all issues relevant to the allegation in

making a determination as to whether, on a balance of probabilities, the student committed the alleged non-academic misconduct. The Committee will submit a report of its findings (including any findings with respect to extenuating circumstances) to the President, who will decide what disciplinary measures, if any, are to be taken under section 61 of the *University Act*.

8. President

8.1 Once the President has come to a decision based on the report of the Committee, the President will send a letter to the student detailing the following:

- (a) the President's decision;
- (b) reasons for the President's decision, including the report from the Committee;
- (c) a description of the nature and the duration of the disciplinary measures imposed, if any; and
- (d) notice that the student has a right to appeal the decision to the UBC Okanagan Senate Committee on Appeals of Standing and Discipline and the time limit for such an appeal.

8.2 The President will promptly report any disciplinary measures imposed to the Senate Committee on Appeals of Standing and Discipline with a statement of his or her reasons. The President will also provide copies of his or her decision to the Registrar and to the Manager, Security & Parking.

9. Registrar

9.1 The Registrar is responsible for taking any relevant actions in accordance with the President's decision, including making a notation on a student's transcript, placing an academic hold on a student's academic status for the duration of a suspension, and notifying the instructors of courses in which a student is enrolled.

10. Appeals

10.1 A student has the right to appeal any disciplinary decision of the President to the UBC Okanagan Senate Committee on Appeals of Standing and Discipline as established under section 37(1)(v) of the *University Act*. The Senate appeal process is set out at [Disciplinary Appeal Procedures](#). In the case of appeals for Non-Academic Misconduct, the Initiator will be the Chair of the President's UBC Okanagan Non-Academic Misconduct Committee.