STUDENT CONDUCT POLICY

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Policy Authority: Vice-President, Academic and Provost

Associated Procedure: Student Conduct Policy Procedure

EXECUTIVE SUMMARY

As an educational institution, Simon Fraser University strives to take an educational and developmental approach to student misconduct whenever possible and appropriate. This policy sets out the University’s expectations regarding student conduct and establishes a process for addressing misconduct when it occurs. This includes voluntary resolution processes as well as processes for investigation and imposing discipline, where warranted. This policy adopts the principles of procedural fairness and includes an appeal process.

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1.0 PREAMBLE

1.1 Simon Fraser University (“the University”) is a place of research, teaching, and learning, where people value civility and respectful interactions with each other. These values are supported by an atmosphere of safety and good conduct.

1.2 As members of the University Community, all Students are expected to behave in a manner that assures other members of the University Community can learn, live, and work in a positive and constructive environment.

1.3 The University respects each Student’s autonomy in their personal lives, but it also expects every Student to make responsible decisions about their conduct when it affects, or reasonably has the potential to affect, other members of the University Community and visitors to the University. Students are individually responsible for their own conduct, whether acting individually or in a group.

1.4 The University recognizes its role as an educational institution and aims, whenever appropriate, to take an educational and developmental approach to issues of alleged Student Misconduct, informed by knowledge of mental health and well-being, and cultural differences.

1.5 This policy governs the conduct of Students to the extent necessary to:

   1.5.1 assure a scholarly community characterized by honesty, diversity, free inquiry, and mutual respect;
   
   1.5.2 protect the safety of members of the University Community and visitors to the University;
   
   1.5.3 protect University property;
   
   1.5.4 safeguard the integrity and proper functioning of the University; and
   
   1.5.5 ensure the orderly and safe enjoyment of University facilities by members of the University Community and visitors to the University.

2.0 PURPOSE

2.1 The purpose of this policy is to:

   2.1.1 define, and provide examples of, behaviour that is prohibited and considered to be Misconduct;

   2.1.2 establish a process and assign responsibility for responding to and addressing Complaints about Misconduct.
3.0 SCOPE AND JURISDICTION

3.1 This policy applies to Misconduct by a Student that is alleged to have occurred:

3.1.1 on any property that is controlled by the University and used for University purposes;

3.1.2 at or during an in-person or virtual meeting, event, or activity that is sponsored by or under the auspices of the University, or in furtherance of University business; or

3.1.3 using the University’s Information and Communications Technology resources.

3.2 Nothing in this policy shall be interpreted to prohibit peaceful assemblies or demonstrations, lawful labour action including picketing, or to impinge upon freedom of expression.

3.3 Students enrolled at Fraser International College (“FIC”) are not governed by this policy. FIC has its own policies related to student conduct. Misconduct by an FIC student that is alleged to have occurred as described in section 3.1, will be addressed under FIC’s policies.

4.0 DEFINITIONS

4.1 See Appendix A for the definition of words used in this policy and its associated procedures.

5.0 POLICY

5.1 Prohibited Conduct

5.1.1 Misconduct by a Student is prohibited and may result in disciplinary measures. Misconduct is defined in Appendix A and examples of Misconduct are provided in Appendix B to this policy.

5.1.2 Retaliation by any member of the University Community is prohibited and, if found to have occurred, may result in disciplinary measures.

5.1.3 Making a deliberately misleading Complaint under this policy is prohibited, and if found to have occurred, may result in disciplinary measures. Making a Complaint based on a genuinely held but mistaken belief is not considered to be deliberately misleading.

5.2 Interim Measures

5.2.1 The University may impose interim measures while an allegation of Misconduct is being addressed, investigated, or determined. Such measures will be precautionary and are expressly non-disciplinary.

5.2.2 If a threat or the potential of harm to others arises at any time during a process under this policy, the matter will be addressed under the University’s Response to Violence and Threatening Behaviour Policy (GP 25).

5.3 Voluntary Resolution
5.3.1 The University may facilitate a voluntary resolution process to address the Complaint.

5.4 Disciplinary Measures

5.4.1 Appendix C to this policy provides examples of the disciplinary measures that may be imposed for Misconduct. Disciplinary measures may be imposed singly, or in combination, and are not limited to those listed in Appendix C.

6.0 ROLES AND RESPONSIBILITIES

6.1 All Students are responsible for establishing and maintaining a respectful learning, working, and living environment.

6.2 The Vice-Provost and Associate Vice-President, Students and International (“VPSI”) is responsible for implementing this policy and for monitoring its operational aspects and procedures.

6.3 The Executive Director, Student Affairs (“EDSA”) is responsible for:

   6.3.1 reviewing decisions of the Office of Student Support, Rights and Responsibilities;
   6.3.2 determining if the policy has been breached; and
   6.3.3 imposing disciplinary measures up to but not including suspension.

6.4 The Director, Student Support, Rights and Responsibilities (the “Director”) is responsible for administering the procedures under this policy and is responsible for supervising the Office of Student Support, Rights and Responsibilities and its activities. The Director is also responsible for imposing interim measures and for facilitating Voluntary Resolution.

6.5 The VPSI is responsible for determining the outcome of a Student’s appeal of a decision of the Executive Director Student Affairs, except in cases in which the Executive Director has made a recommendation to the President to suspend a Student.

6.6 In accordance with section 61 of the University Act, the President is responsible for suspending a Student and Senate is responsible for Student appeals of the President’s decision.

7.0 PROCEDURES

7.1 Complaints of alleged Misconduct will be received and managed according to the Student Conduct Procedures, except:

   7.1.1 in cases where the conduct is prohibited under another University policy, procedure, or regulation; the processes provided for under those authorities will normally be followed unless the Executive Director, Student Affairs, in consultation with the appropriate administrative authority, decide the case should proceed under this policy;
7.1.2 in cases involving alleged Misconduct that may fall within the definition of “sexual harassment” in the University’s Human Rights Policy (GP 18), the Complainant may choose to proceed under GP 18 or under the Sexual Violence and Misconduct Prevention, Education, and Support Policy (GP 44). A Complainant who chooses to do so cannot subsequently proceed with the same Complaint under the Student Conduct Policy (S10.05).

8.0 PROCEDURAL FAIRNESS

8.1 The University will address alleged Misconduct in an objective, fair, and timely manner.

8.2 An impartial and appropriately qualified person will be responsible for the management and/or investigation of Complaints.

8.3 A Respondent may be accompanied by a support person of their choice to meetings related to this policy. Any SFU Student may seek out the services of the Ombudsperson, an independent, impartial, and confidential resource. The Ombudsperson can provide information and guidance on students’ rights and responsibilities, and University regulations, policies, and procedures.

8.4 A Complainant and a Respondent will each be advised of the procedures that will be followed.

8.5 A Respondent will be informed of the particulars of the allegation and will be given an opportunity to respond.

9.0 ANNUAL REPORT

9.1 The Responsible Officer will report annually through the President to the Board of Governors on the administration of this policy.

10.0 RELATED LEGAL, POLICY AUTHORITIES AND AGREEMENTS

10.1 The legal and other University Policy authorities and agreements that may bear on the administration of this policy and may be consulted as needed include but are not limited to:

10.1.1 University Act, R.S.B.C. 1996, c. 468

10.1.2 Freedom of Information and Protection of Privacy Act, R.S.B.C. 1996, c. 16

10.1.3 Human Rights Code, R.S.B.C. 1996, c. 210

10.1.4 Student Academic Integrity (S 10.01)

10.1.5 Senate Committee on Disciplinary Appeals (S 10.03)

10.1.6 Human Rights Policy (GP 18)

10.1.7 Fair Use of Information and Communications Technology (GP 24)
10.1.8  Response to Violence and Threatening Behaviour (GP 25)
10.1.9  Bullying and Harassment Policy (GP 47)
10.1.10 Sexual Violence and Misconduct Prevention, Education and Support Policy (GP 44)
10.1.11 SFU’s Information Policies (I-10 series)
10.1.12 Residence Handbook and Residence Licence Agreement
10.1.13 SFU Field School Code of Conduct; SFU Field School Student Acknowledgement

11.0  ACCESS TO INFORMATION AND PROTECTION OF PRIVACY

11.1  The information and records made and received to administer this policy are subject to the access
to information and protection of privacy provisions of British Columbia’s Freedom of Information
and Protection of Privacy Act and the University’s Information Policy series. The information and
records will be treated in a confidential manner, in compliance with the Act and with the
University’s policies.

12.0  RETENTION AND DISPOSAL OF RECORDS

12.1  Information and records made and received to administer this policy are evidence of the
University’s actions to respond to non-academic Misconduct of Students. Information and records
must be retained and disposed of in accordance with a records retention schedule approved by the
University Archivist.

13.0  POLICY REVIEW

13.1  This policy must be reviewed at least once every five years.

14.0  POLICY AUTHORITY

14.1  The authority of this policy is vested with the Simon Fraser University Board of Governors in
accordance with its powers under the British Columbia University Act, Part 6, sections 27(1) and
27(2)(x), (x.1), (x.2), and (y).

14.2  This policy is administered under the authority of the Vice-President, Academic and Provost.
15.0 INTERPRETATION

15.1 Questions of interpretation and application of this policy or its procedures shall be referred to the Vice-President Academic and Provost and the General Counsel and University Secretary, who will jointly make a decision, which will be final.

16.0 PROCEDURES AND OTHER ASSOCIATED DOCUMENTS

16.1 The procedures for this policy are: Student Conduct Procedures.

16.2 Appendix A contains the definitions applicable to this policy and its associated procedures.

16.3 Appendix B contains examples of Misconduct.

16.4 Appendix C contains examples of disciplinary measures.

16.5 Appendix D contains Guidelines for Investigations by External Investigators.