Student Conduct Policy

SIMON FRASER UNIVERSITY  Date  Number
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Policy Authority: Vice-President, Academic and Provost

Associated Procedures: S 10.05 of Student Conduct Policy Procedures
Student Conduct Policy: Prohibited Conduct (Schedule A)
Student Conduct Policy: Disciplinary Measures (Schedule B)

1.0  PREAMBLE: STATEMENT OF PRINCIPLES

1.1 Simon Fraser 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. In accordance with Section 3.0 below, this Policy governs Students’ conduct 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.

1.6 The University will adhere to the principles of procedural fairness and natural justice, as outlined in Section 10 of this policy, when investigating alleged Misconduct and when taking steps to establish consequences or impose discipline.

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 set out the procedures that the University will follow when an allegation of Misconduct is made against a Student; and

2.1.3 make provisions to address Student Misconduct.

3.0 SCOPE AND JURISDICTION

3.1 This Policy applies to Misconduct, as defined in Section 4.4, by a Student, as defined in Section 4.8 and include University-related activities involving SFU alumni when the matters occurred prior to graduation and were unknown at the time of graduation.

3.2 This Policy applies only to Student Misconduct that is alleged to have occurred:

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

3.2.2 at an event or during an activity sponsored by, or under the auspices of, the University; or

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

3.3 A Complaint must be received normally within four (4) months of the incident of alleged Student Misconduct or of the University learning about the incident.
3.4 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.

3.5 Students enrolled at Fraser International College (FIC) are not governed by this Policy. FIC has its own policies related to student conduct. FIC student misconduct that is alleged to have occurred, as described in section 3.2, will be addressed under FIC’s policies.

4.0 DEFINITIONS

4.1 Behavioural Contract

means a written agreement negotiated between the University and the Respondent to a Complaint of Misconduct. The Contract outlines the expectations and responsibilities of the Respondent and the University. The Contract will usually include conditions that the Respondent must meet and any consequences for the Student if they fail to fulfill them. The Contract is not normally part of a Student’s record and is maintained in the Student Conduct Office; it will be retained and disposed of in accordance with Section 15 of this Policy. In certain circumstances, the University and the Respondent may agree to retain the Contract on the Student’s file.

4.2 Complainant

means any member of the University Community who makes a Complaint under the Policy. The University may also be a Complainant.

4.3 Complaint

means a Complaint regarding behaviour made to Campus Public Safety or the Student Conduct Office (SCO) by a member of the University Community or a visitor outlining the behaviour and its circumstances. In the case where the Complaint is from a visitor, the University reserves the right to take on the role of Complainant. The Complaint will set out the allegations made pursuant to the Policy by a Complainant with respect to a Respondent or Respondents.

4.4 Misconduct

means behaviour the Student knows, or ought reasonably to know, would have an adverse effect on:

4.4.1 the safety of members of the University Community and visitors;
4.4.2 the integrity or the proper functioning of the University and its activities;
4.4.3 the use of University facilities; or
4.4.4 the condition of University property.

This includes a Student engaging in, attempting to engage in, or assisting another Student to
engage in, such conduct.

Misconduct is prohibited and may result in actions by the University pursuant to Sections 6.0, 7.0, and 9.0 of this Policy. Examples of Misconduct are listed in Section 5.2 of this Policy.

### 4.5 Resolution Agreement

means a written agreement between the Respondent and the University, whereby the Respondent agrees to the terms and conditions set out in the Resolution Agreement to resolve the matter without recourse to Formal Investigation or discipline. This is considered an informal resolution; it is non-disciplinary. The agreement is confidential and held in the Student Conduct Office.

### 4.6 Respondent

means a Student or Students against whom an allegation of Misconduct has been made pursuant to this Policy.

### 4.7 Responsible Officer

means the Vice-Provost and Associate Vice-President, Students and International (VPSI).

### 4.8 Student

includes any of the following: a person who is applying for admission to the University; an undergraduate who has been enrolled for one or more of the last three (3) terms, including the current term, and is eligible to continue; a graduate student who is enrolled at the University in the current term and is eligible to continue; a graduate student who is not enrolled in the current term but is eligible to enroll at the University when the approved leave ends; a visiting, exchange, or special audit student who has been admitted to the University for the purposes of taking courses, or to take part in an approved research term; or a person enrolled at the University in a non-credit program or course.

### 4.9 Student Conduct Office

means the University administrative office assigned the mandate to carry out the operational procedures under this Policy.

### 4.10 Suspension

means a Student ceases to be a Student of the University for a specified period of time, which may be temporary or permanent. A notation is made on the Student’s academic transcript during the period of Suspension.

### 4.11 Withdrawal

means a Student is de-registered from their course(s) or is removed from particular academic and/or
non-academic activities. The Student may be subsequently granted permission to register for those courses or activities in another term. A notation may be made on the transcript and the normal fee penalties may apply.

4.12 University Community

means all Students and employees of the University, and all people who have a status at the University mandated by legislation or other University policies, including: research assistants, post-doctoral fellows, members of Senate and the Board of Governors, volunteers, visiting and emeritus faculty, and visiting researchers.

5.0 POLICY – PROHIBITED CONDUCT

5.1 Misconduct, as defined in Section 4.4, is prohibited and may result in University action that may lead to the imposition of disciplinary measures pursuant to Section 7.1 of this Policy. See Schedule A for examples of Student Misconduct.

6.0 POLICY – INTERIM MEASURES

6.1 The University may impose interim measures while an allegation of Misconduct is being resolved, investigated, or determined. Such measures will be precautionary and are expressly non-disciplinary. Interim measures will be reassessed on a weekly basis and the parties involved will be notified of any changes to interim measures as soon as possible.

6.2 The Executive Director, Student Affairs is responsible for imposing Interim Measures is specified in the Procedures associated with this Policy.

6.3 Interim Measures may include, but are not limited to, the following:

   6.3.1 the exclusion of individuals from all or any part of the University campuses;

   6.3.2 limiting proximity or contact to specific individuals;

   6.3.3 limiting participation in campus activities;

   6.3.4 limiting the use of the University’s information and communications technology; or

   6.3.5 requiring the Student to meet regularly with designated University staff members.

6.4 The Student Conduct Office (SCO) may request that the Registrar impose interim measures which may include but are not limited to, prohibiting the student from:

   6.4.1 further enrollment in class;

   6.4.2 receipt of official transcripts or other official university documents;
6.4.3 use of SFU information and communication technology resources;
6.4.4 graduation; and/or
6.4.5 admission to other academic programs at the university.

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

7.0 POLICY – DISCIPLINARY MEASURES

7.1 See Schedule B for 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 Schedule B.

8.0 ROLES AND RESPONSIBILITIES

8.1 The Vice-President, Academic and Provost has oversight of this Policy.

8.2 The Vice-Provost and Associate Vice-President, Students and International (VPSI) is the Responsible Officer responsible for implementing and monitoring the operational aspects and procedures for this Policy. The Responsible Officer is responsible for reviewing and deciding the outcome of a Student’s appeal of the Executive Director, Student Affairs finding or discipline except in cases where it has been recommended to the President that the respondent be suspended from the University.

8.3 The Executive Director, Student Affairs is responsible for reviewing decisions of the Student Conduct Office; imposing non-punitive interim measures while an incident is being resolved, investigated, or decided; determining if the Policy has been breached, and imposing sanctions up to but excluding suspension.

8.4 The Student Conduct Office is responsible for administering the procedures under this Policy.

8.5 A Committee of Senate is responsible for hearing appeals of the imposition of suspension by the President.

9.0 PROCEDURES

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

9.1.1 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;

9.1.2 in cases involving alleged Misconduct that may fall within the definition of “sexual harassment” in the University’s Human Rights Policy (GP 18), as outlined in the University’s Policy on Sexual Violence and Misconduct Prevention, Education, and Support (GP44) the Complainant may choose to proceed under GP 18. The choice, once made, is irrevocable unless it is determined by the Human Rights Office that the behaviour does not fall within the scope of the Human Rights policy. In that circumstance, the Complainant may choose to proceed under this Policy.

10.0 PROCEDURAL FAIRNESS

10.1 The University will deal with all alleged Misconduct in a fair, unbiased, and timely manner.

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

10.3 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.

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

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

11.0 MULTIPLE PROCEEDINGS

11.1 The University reserves the right to:

11.1.1 proceed with, defer, or suspend its own processes where criminal, civil, or administrative proceedings are commenced about the alleged Misconduct;

11.1.2 inform the relevant law enforcement agency without the consent of the Complainant if it has a reasonable belief that the safety of one or more persons may be at risk. Where practical, the University will inform the Complainant of its decision in advance.

11.1.3 undertake proceedings under this Policy where the matter is also being investigated or reviewed by authorities external to the University and, if the University determines that there has been a breach of this Policy, the University may discipline a Student regardless of the outcome of any processes external to the University.
12.0 REPORTING

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

13.0 RELATED LEGAL, POLICY AUTHORITIES, AND AGREEMENTS

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

13.1.1 *University Act*;
13.1.2 *Sexual Violence and Misconduct Policy Act*;
13.1.3 *Human Rights Code*;
13.1.4 *Freedom of Information and Protection of Privacy Act*;
13.1.5 Policy on Student Academic Integrity (S 10.01)
13.1.6 Sexual Violence and Misconduct Prevention, Education and Support Policy (GP 44)
13.1.7 Residence Handbook and Residence License Agreement;
13.1.8 Human Rights Policy (GP 18);
13.1.9 Response to Violence and Threatening Behaviour (GP 25);
13.1.10 Fair Use of Information and Communications Technology (GP 24); and
13.1.11 The University’s Information Policy Series, which includes:
13.1.12 Access to Information and Protection of Privacy (I 10.04);
13.1.13 Collection of Personal Information (I 10.05); and
13.1.14 Confidentiality Policy (I 10.10).
13.1.15 Student Misconduct Appeal Committee mandate.

14.0 ACCESS TO INFORMATION, CONFIDENTIALITY, AND PROTECTION OF PRIVACY

14.1 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.

14.2 A University employee who is involved in addressing or investigating any Complaints under this Policy must:

14.2.1 make every reasonable effort to protect personal information and maintain confidentiality;

14.2.2 collect the minimum information about individuals that relates directly to, and is necessary to, respond to a Complaint, which is considered to be supplied in confidence;

14.2.3 use the information about individuals only for the purposes of, or those consistent with, addressing the situation, investigating, or taking disciplinary action;

14.2.4 limit disclosure of information about individuals to those within the University who need to know how to perform their duties as an employee; and

14.2.5 disclose personal information in all other circumstances only as permitted under the Freedom of Information and Protection of Privacy Act.

14.3 The University may disclose personal information, including where:

14.3.1 it determines that compelling circumstances exist that affect anyone’s health or safety;

14.3.2 a law authorizes or requires its disclosure;

14.3.3 it prepares or obtains legal advice for the University;

14.3.4 it complies with a subpoena, a warrant, or an order issued by a court, person, or body in Canada with jurisdiction to compel the production of information;

14.3.5 it uses the information for the purpose for which it was obtained, compiled, or for a use consistent with that purpose (for example, where it is necessary to fulfill its duty of procedural fairness);

14.3.6 an employee needs the information to perform their employment duties; or

14.3.7 it is to a law enforcement agency in Canada to assist in a specific investigation.

15.0 RETENTION AND DISPOSAL OF RECORDS

15.1 Information and records made and received to administer this Policy are evidence of the University’s actions to respond to Student Misconduct. Information and records must be retained and disposed of in accordance with a records retention schedule approved by the University Archivist.

16.0 POLICY REVIEW
16.1 This Policy will be reviewed at least once every three (3) years.

17.0 AUTHORITY

17.1 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).

17.2 This Policy is administered under the authority of the Vice-President, Academic and Provost.

17.3 The Responsible Officer has the authority to implement and monitor the operational procedures for this Policy.

18.0 INTERPRETATION

18.1 Questions of interpretation and application of this Policy or its Procedures shall be referred to the Responsible Officer and the University’s General Counsel, who will jointly make a decision, which will be final.

19.0 ASSOCIATED PROCEDURE

19.1 The associated procedure for this policy is:

- Student Conduct Policy Procedure (S 10.05 Procedure)
- Student Conduct Policy Schedule A (S 10.05 Schedule A)
- Student Conduct Policy Schedule B (S 10.05 Schedule B)