

## 1. CALL TO ORDER

Call to Order – 10:04 AM

## 2. TERRITORIALACKNOWLEDGMENT

We respectfully acknowledge that the SFSS is located on the traditional, unceded territories of the Coast Salish peoples, including the x<sup>w</sup>məθk<sup>w</sup>əyəm (Musqueam), Sḵwḵwú7mesh Úxwumixw (Squamish), Selílwitulh (Tsleil-Waututh), k<sup>w</sup>ik<sup>w</sup>əłəm (Kwkwetlem) and ǰícəy (Katzie) Nations. Unceded means that these territories have never been handed over, sold, or given up by these nations, and we are currently situated on occupied territories.

## 3. ROLL CALL OF ATTENDANCE

### 3.1 Committee Composition

VP University Relations ( <i>Chair</i> ) .....	Gabe Liosis
Ex-Officio .....	Osob Mohamed
VP External Relations .....	Samad Raza
Faculty Representative (Science).....	WeiChun Kua
Faculty Representative (Health Sciences) .....	Nafoni Modi
Faculty Representative (Education) .....	Emerly Liu
Faculty Representative (Environment) .....	Anuki Karunajeewa
Student At-Large .....	Jess Dela Cruz
Student At-Large .....	Priyanka Dhesa
Student At-Large .....	Zoya Nari
Student At-Large .....	<i>Vacant</i>

### 3.2 Society Staff

Operations Organizer .....	Ayesha Khan
Board Organizer .....	Gabriel Goodman
Campaign, Research, and Policy Coordinator .....	Sarah Edmunds
Administrative Assistant .....	Christina Kachkarova

### 3.3 Guests

At-Large Representative .....	Phum Luckkid
VP University and Academic Affairs Elect .....	Serena Bains

### 3.4 Absents

Ex-Officio .....	Osob Mohamed
Operations Organizer .....	Ayesha Khan

## 4. ADOPTION OF THE AGENDA

### 4.1 MOTION UAA 2021-03-05 :01

**Jess/Priyanka**

*Be it resolved to adopt the agenda as amended.*

**CARRIED AS AMENDED UNANIMOUSLY**

- Amend to add Discussion Item 7.4 SFSS Issues Policies.
- Amend to add Discussion Item 7.5 SFU VP Peoples, Equity and Inclusion Search.

*\*Serena Bains joined the meeting at 10:21 AM*

## 5. MATTERS ARISING FROM THE MINUTES

### 5.1 University and Academic Affairs Committee Minutes-MOTION UAA 2021-03-05:02

**Jess/Priyanka**

*Be it resolved to receive and file the following minute(s):*

- UAA 2021-02-05

**CARRIED UNANIMOUSLY**

## 6. NEW BUISINESS

### 6.1 Establishing a Student Wellness Working Group-MOTION UAA 2021-03-05:03

**Zoya/Emerly**

*Be it resolved that the University and Academic Affairs Committee strike a Student Mental Wellness Working Group and adopt its terms of reference as attached in the document "Mental Wellness Working Group TOR".*

*Be it further resolved to appoint Matt Provost (VP Student Services) as Chair of the Working Group.*

**CARRIED UNANIMOUSLY**

- VP Student Services unable to attend this meeting, but At-Large Representative and VP Student Services have been working closely on this initiative.
- This motion is a UAA Committee and BIPOC Committee joint effort. Health and Counselling Services will also join.
- At-Large Representative stated that the goal of this working group is to support the mental wellness of students. He mentioned that the working group has already begun with focusing on MySSP by ensuring that the app is not just aimed at helping Canadian students. He mentioned that students have complained that counselling can be insensitive and ineffective. At-Large Representative mentioned one student was told to exercise and eat healthy in response to talking about her depression.
- At-Large Representative mentioned that Health and Counselling Services has been receptive to this issue and is currently doing a survey to see if this is a larger issue with MySSP.
- Student At-Large (JDZ) highlighted the lack of Asian counsellors at SFU amid the rise of anti-Asian racism and violence. She mentioned that in October Health and Counselling Services had a support group. HCS has since said that they would be interested in hosting more workshops and support groups if there was interest.

*\*Phum Luckkid left the meeting at 10:40 AM*

## 7. DISCUSSION ITEMS

### 7.1 Burnaby Mountain Gondola Project

- Chair mentioned that the Burnaby Mountain Gondola Project would greatly improve student life, University resident access, and connect Burnaby as well as bring money to the local economy.
- Sarah Edmunds mentioned that the SFSS should highlight how it is not exclusive to be a Student at SFU and a Forest Grove resident. She also raised Burnaby concerns about Fire Safety as being part of the Gondola issue as the City of Burnaby is currently pushing for increased safety in the area due to the Trans Mountain Tank Farm Expansion. She mentioned that a safety plan has not been released yet by TMX and is only required 12 months before full operation, and that the City of Burnaby was requesting that Trans Mountain pay for a new fire station.
- Sarah Edmunds commented that the SFSS and SFU appeared to be being asked to defend TransLink and that the narrative should be changed to the fact that the Gondola would improve student lives.
- Chair mentioned that the recent Social Media Storm hosted by the SFSS on all social media had been successful.
- President and Chair attended Meetings with Burnaby City Councilors. They mentioned that their support is uncertain with the common theme being that even if they support the Gondola, they are not satisfied with the TransLink consultation and are not willing to support it if it will negatively impact Forest Grove residents. They mentioned that compensation from TransLink for Forest Grove residents cannot go through before Burnaby Council approves the project.
- Gabriel Goodman mentioned that while the Burnaby City Council approved the Gondola in concept previously, this new vote would be concerning the route. They mentioned that this might be an issue of optics with University vs Residential Community. They mentioned that the social media campaign should strive to humanize students.
- Pine-Ridge Co-op Meeting
  - President and Chair attended met with Pine-Ridge Co-op which the Gondola is expected to go over. They discussed why students want a Gondola and Pine-Ridge Co-op shared their concerns.
  - SFSS should continue communicating concerns to TransLink.
- Chair mentioned that this issue needs to be passed by the Burnaby City Council soon since the issue needs to make it into TransLink investment plan soon after which the Mayor's Council of TransLink will hold a vote on it. He mentioned that the City Council meeting had been pushed back. A private City Council memo for Councilors was leaked regarding how to proceed with regards to Forest Grove opposition.
- Gabe encouraged Committee members to reach out to more students to film videos in support of the project.

*\*5-minute break taken at 11:12 AM*

## **7.2 Sick Notes**

- Faculty Representative (Environment) mentioned that different departments at SFU have different policies. For instance, in the Faculty of Applied Sciences, students receive an incomplete on their exam and must provide appropriate documentation in 4 days to reverse it.
- Other universities have different practices. For instance, at McMaster once the term begins, students can declare online if they need release from academic work.
- Faculty Representative (Environment) mentioned that medical notes are inconvenient and place unnecessary stress on students who should be recovering/ practicing self-care.

Additionally, this can place students and others at risk. Faculty Representative (Environment) highlighted that this takes an appointment away from others who might need it more and leaves students needing to pay for a sick note. She also mentioned that this might erode the trust between students and professors as students do not feel like their professors trust them to be honest when they say that they are sick.

- Faculty Representative (Environment) mentioned that a possible option could be a student self-declaration of illness, and that SFU should have a university-wide policy with medical notes not being mandatory.
- Chair mentioned that Senate support for this might take time and might require hard data and anecdotes to demonstrate how this policy would be beneficial. He mentioned that Senate often makes data-driven decisions to make informed choices.
- Sarah Edmunds suggested bringing this issue to Administrative and Student Services to make them aware and gauge their support.
- Faculty Representative (Environment) suggested presenting a letter and have a dialogue with SFU
- Chair suggested providing a briefing note to SFU and bringing it to Joint Operations Group (JOG) and make SFU aware.
- Student At-Large (JDZ) mentioned that family matters such as funerals/death/mourning/etc. should be included under mental health reasons to make it as specific as possible. She suggested this could be worked on under the Wellness Working Group.

*\*WeiChun Kua joined the meeting at 11:30 AM*

### **7.3 Student Conduct Policy**

- Chair mentioned that this issue has mostly been dealt with.
- Chair raised a new policy revision concerning Appendix B of the Student Conduct Policy defines disruption as “engaging in unruly or threatening behaviour that causes a disturbance and disrupts or threatens to disrupt a University event, activity, or process”. This revision can have a serious impact on students’ rights to protest and freedom of expression. He added that the vague language surrounding unruly and threatening is subjective, and that vague language disproportionately impacts marginalized folks.
- Previous Student Conduct Policy from 2018 only concerned disruption without just because that would threaten the safety of individuals. Chair mentioned that one possibility was returning this language into the policy or striking the policy.
- SFU is currently working on changing wording with a lawyer.
- Chair mentioned that this policy would be against SFUs EDI mandate.
- Faculty Representative (Science) mentioned that even though SFU has stated that they will change the wording, it is important to hold them accountable until the change is recorded in writing.
- Executive Director Student Affairs, Dr. Tracey Mason-Innes, and Office of Student Support, Rights & Responsibilities has brought up concern surrounding this language and are looking for it to be changed.
- Gabriel Goodman mentioned that since this policy conflicts with another SFU policy that protects student political action, this creates a contradiction. They mentioned that it is not clear which policy would trump the other when a student action or protest is disruptive.

### **7.4 SFSS Issues Policies**

- Board of Directors looking to develop more Issues Policies.

- Currently SFSS Issues Policies include Pro-Choice and celebrating Black History Month. Suggestions raised include: Anti-Racism and hiring more BIPOC.

#### **7.5 SFU VP Peoples, Equity and Inclusion Search**

- SFU has established a Vice-President, People, Equity and Inclusion (VP PEI) role, and has struck a search committee. However, this role has little to do with students and is mostly EDI related to faculty and staff, a “glorified HR”. This role has little in terms of involving students and empowering BIPOC.

*\*Gabriel Goodman left the meeting at 11:58 AM*

## **8. UPDATES**

### **8.1 Mandatory Anti-Racism Education (M.A.R.E.) Working Group (Nafoni)**

- Faculty Representative (Environment) discussed current M.A.R.E plans which include hosting 4 workshops with topics such as: How to be Anti-Racist, Racism Against East-Asians (potentially co-hosted with AMS). She mentioned that they have already reached out to speakers and will be going to the Events Committee to present their budget for honorariums.
- Faculty Representative (Environment) mentioned that this initiative will be passed onto next board.

### **8.2 Joint Operations Group (JOG) (Gabe/Osob)**

## **9. ANNOUNCEMENTS**

### **9.1 Next UAA Meeting: Friday, 19th, 2021 at 10AM (PST) via Zoom.**

## **10. ATTACHMENTS**

### **10.1 Mental Wellness Working Group TOR**

### **10.2 BN - Medical Notes for Exams**

### **10.3 SFU Sick Notes Master Doc**

### **10.4 SFU Draft Student Conduct Policy**

## **11. ADJOURNMENT**

### **11.1 MOTION UAA 2021-03-05:04**

**Jess/Priyanka**

*Be it resolved to adjourn the meeting at 12:03 PM.*

**CARRIED UNANIMOUSLY**

## **Student Wellness Working Group**

### **Terms of Reference**

#### **Purpose**

The Student Wellness Working Group (hereafter “the Working Group”) is a Working Group as defined in *SFSS Board Policies, SO-1*.

The Student Wellness Working Group shall report to, and take direction from, the University and Academic Affairs Committee and the Black, Indigenous and People of Colour (BIPOC) Committee. The Working Group shall provide regular updates to both said Committees.

#### **Jurisdiction**

The Working Group shall be responsible for setting a timeline for carrying out the following tasks:

- Creating a short term strategic plan to support students with mental wellness initiatives
- Outline some realistic goals that can be completed before the end of the semester around mental wellness
- Ensure ongoing community consultation and outreach is prioritized for gathering accessible wellness resources for students
- Allocate culturally appropriate and relevant resources for our community members
- Research and compile accessible and affordable resources that are centered to support well being for students

#### **Membership**

The Committee shall appoint a Working Group Lead who shall act as Chair of the Working Group. The Working Group Lead shall coordinate the membership of the Working Group from amongst members of the Committee, and may invite Members in good standing of the Society to be members of the Working Group.

The Working Group shall have at least 4 members at any time.

## BRIEFING NOTE

### ISSUE: MEDICAL NOTES FOR EXAMS AT SFU

**BACKGROUND:** Many departments at SFU have their own policies regarding the requirement of sick notes or medical notes supplied by medical doctors in instances where a student is unable to write an exam. For instance, the Department of Linguistics' policy on sick note states that "If a student must miss an exam because of illness or extenuating circumstances, s/he is required to contact the instructor prior to the exam. S/he may notify the instructor by e-mail or leave a message at the office. When the student returns to class, s/he will need to bring a note from his/her medical doctor specifying and justifying the date of his/her absence."

The Faculty of Applied Sciences policy on missed exam states ... "when a student misses a final examination, the N grade (incomplete) is awarded. However, in the event of illness, or for other compassionate reasons, the student may be given consideration in the course if supporting documentation is filed with the School Director (or Registrar) within four days of the date on which the examination was to have been written..."

Generally, the University does not have an overarching policy on the requirement of sick notes for exam purposes. Departments, Faculties or Schools have their own policies and procedures for students missing exams due to illness. Course instructors hold the power to make the ultimate decision regarding a missed exam for medical reasons, supported by their Faculty, Department, or School's policies on the matter.

Although there is no SFU policy as part of SFU's Policies and Procedures, there is a guideline on the Health and Counselling website which states that "Instructors or Academic Heads can modify or alter course requirements (e.g., midterms, assignments) for special reasons, such as illness, or personal issues. They may request a "sick note" (aka "medical note") to help them make their decisions; however, the final decision about whether a modification of course requirements is required or will be permitted rests with the instructor, regardless of what may be stated on any medical note."

#### **PRACTICES AT OTHER SCHOOLS IN CANADA**

**1. University of Alberta:** At U of A, Students are not required to produce medical notes if they cannot write an exam due to illness. They simply must follow the protocols laid out by the University; for example, in the case of a midterm exam, students must contact their instructor by phone or email as soon as they are able to in order to advise them of their absence; requesting an excused absence from the term work or midterm exam as soon as

they are well enough and producing a form of medical documentation. Medical note is not a requirement in this case. Similar procedures apply to absence for final exams as well.

**2. Queen's University:** The University's policy on Academic Consideration for Students in Extenuating Circumstances does not include the submission of medical notes as a requirement. In addition, the Student Health Services office has stopped issuing sick notes, forcing the university to rely on students' self-declarations of illness.

**3. Memorial University:** Due to the declaration of the Newfoundland and Labrador Medical Association (NLMA) that doctors should not write sick notes for patients suffering short term illnesses, the University stopped requiring sick notes from students who missed term work or exam.

**4. University of Calgary:** At the University of Calgary, students who experience an illness or medical emergency which physically prevents them from attending a final exam, can apply to write a deferred final exam. They just need to provide a description of the reason for their absence in the comments area of the application form. Supporting documentation is not required at the time of application; however, they may be asked to provide documentation or additional information at a later time.

**5. McMaster University:** McMaster University has implemented a Student Absence Form (MSAF). Once a term begins a student may, if they need, fill out an online form to declare that they require relief from academic work for personal or medical reasons.

**6. University of Saskatchewan:** At University of Saskatchewan, students who abstain from exam due to ill health must use what is called a "self-declaration of absence" — essentially a self-written excuse note. A student who signs the form agrees that falsification is considered misconduct that will be dealt with under the university's academic conduct rules.

**7. University of Toronto:** In 2009 during the H1N1 pandemic, the University of Toronto instituted the Student Registrarial System (ROSI) whereby students were directed to make a declaration of illness. For the purposes of the declaration, symptoms of H1N1 flu were defined to include fever, runny nose, coughing, sore throat, fatigue, nausea/vomiting, and diarrhea. The declaration included a statement that the student understood that making a false declaration would constitute academic misconduct. All 77,826 students were advised of the H1N1 declaration mechanism and had access to the system beginning the first day of classes in September 2009 to mitigate the impact of a possible H1N1 outbreak. As it was expected that individuals suffering from flu-like symptoms may be told by Public Health or by their physicians not to visit a physician's office, the university determined that it would not require a medical certificate for absences due to suspected H1N1. Since then, and especially during the current COVID-19 pandemic, the same system has been used for students who are unable to write exams due to any illness. A Doctor's note is temporarily not required. Students who are absent from academic participation for any reason (e.g., COVID-19, cold, flu and other



illness or injury, family situation) and who require consideration for missed academic work should report their absence through the online absence declaration form.

## CURRENT STATUS:

### INCONVENIENCE OF MEDICAL NOTES

1. Demanding that sick students who do not require medical attention visit a doctor's office for the sole purpose of obtaining a sick note puts unnecessary stress on these students when they should be recovering and practicing self-care. Students in this situation must decide whether to jeopardize their grades or their recovery.
2. Requiring sick notes from students puts the health of other patients at risk, potentially exposing them to contagious disease. People with compromised immune systems, pregnant women, young children, and elderly patients may all be at risk of serious health complications if exposed to, say, the influenza virus.
3. Such policies waste scarce health care resources unnecessarily. Every appointment made for the purpose of obtaining a sick note takes an appointment away from someone who needs medical attention.
4. The current sick note system creates a barrier to access to education. In the process of obtaining sick notes, students face economic and geographic barriers, such as lack of time or money. It is unethical to require students to wait for hours at the doctor's office and pay the cost of procurement — all for a medical note that proves eligibility for accommodation. These conditions may cause students to forgo acquiring a sick note entirely and opt to take exams or attend lectures while sick. This puts their fellow students and professors at risk for illness.
5. Demanding sick notes can erode the trust between students and professors. Students may feel that they are not trusted by their professors, or worse that they are simply anonymous.

## KEY CONSIDERATIONS & RECOMMENDATIONS:

Some school administrators in North America are moving to a no-note policy, while others are coming up with alternative arrangements, including the use of so-called student self-declaration forms. More common, however, are the use of verification-of-illness forms which require a physician's assessment of the degree and dates of "incapacitation" – from severe to moderate to slight to negligible. Considering the inconveniences of medical notes and the current practices in other schools, the following recommendations should be looked at:

1. SFU should have a University-wide policy for students who miss exams because of illness or other medical reasons, as demonstrated by the practices of administrators in other schools in North America. Medical notes should not be mandatory as it is a big inconvenience for both students and doctors who issue the note.

2. As part of the policy students may fill out a Statutory Declaration of illness form which is a procedure used at the University of Calgary and Queen's University.
3. Keeping a record of deferrals and excused term work could be helpful in weeding out "chronic deferrers". Only requiring those who tend to take advantage of the system to produce medical documentation can lessen the burden on our health care system. It also ensures that students who are ill are able to get the relief and accommodation they need.
4. Discussions on medical notes policy may be initiated by the SFFS and GSS through a submission of a proposal to the SFU Senate impressing upon them to institute a mechanism or policy procedure other than medical note system that students can use to excuse themselves from writing exams due to ill health.
5. There should be an extensive consultation that should involve the student bodies, departments, the school authorities, and all relevant university stakeholders.

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# SFU sick notes

5<sup>th</sup> March 2021

## OVERVIEW

Sick notes were discussed today in the UAA meeting. We discussed bringing this to JOG, SFU senate

Briefing note:

[Preview attachment BN - Medical Notes for Exams.pdf](#)BN - Medical Notes for Exams.pdf141 KB

## GOALS

1. Create survey
2. Pass on the briefing note

## SPECIFICATIONS/QUESTIONS/COMMENTS

- Do these sick notes encompass any family matters? e.g. funerals, deaths, mourning? Or just hidden and visible personal sickness?
- We may need to specify and use examples of what the “trust system” encompasses
- Stress that illnesses are unplanned, and that there needs to be sympathy for this. You can’t plan ahead of times when you get sick, or when you have a panic attack!
- Would this encompass flagging flare-ups for students with chronic conditions?
- we can work with Phum/Matt’s Wellness working group on this

## Survey Questions

<https://docs.google.com/document/d/1-ohn5ZtXd7iIZAQZS-aBoaLEHx2sDmlBSxF0-dsxnWM/edit?usp=sharing>

# STUDENT CONDUCT POLICY

**Date**  
November 22, 2018

**Number**  
S 10,05

**Date of Last  
Review/Revision**  
Draft – Feb 16, 2021

**Mandated  
Review**  
\_\_\_\_\_, 2026

Policy Authority: Vice-President, Academic and Provost

Associated Procedure(s): Student Conduct Policy Procedure

## EXECUTIVE SUMMARY

As an educational institution, the 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 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 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 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.

## 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 of Student 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 This Policy also applies to Misconduct by an SFU alumni when the Misconduct occurred prior to that alumni's graduation and was unknown at the time of that alumni's graduation, where the Misconduct 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 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
  - 3.2.3 using the University's Information and Communications Technology resources
- 3.3 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.
- 3.4 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 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 pursuant to this Policy, the matter will be addressed under the University's Response to Violence and Threatening Behaviour Policy (GP 25).

### 5.3 Disciplinary Measures

- 5.3.1 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 and monitoring the operational aspects and procedures for this Policy.
- 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 sanctions 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.
- 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 a committee of Senate is responsible for hearing 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 (GP18), the Complainant may choose to proceed under GP18 or under the Sexual Violence and Misconduct Prevention, Education, and Support Policy (GP 44).

## **8.0 PROCEDURAL FAIRNESS**

- 8.1 The University will address all 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 of Misconduct.
- 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 (S10.01)

10.1.5 Senate Committee on Disciplinary Appeals (S10.03)

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-TBA)
- 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

## **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 University's General Counsel, 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.

# STUDENT CONDUCT POLICY PROCEDURES

**Date**  
November 22, 2018

**Number**  
S 10.05

**Date of Last  
Review/Revision**  
Discussion draft Feb 16/2021

**Mandated  
Review**  
\_\_\_\_\_ 2026

Policy Authority: Vice-President, Academic and Provost

Parent Policy: Student Conduct Policy (S 10.05)

## 1.0 PURPOSE

1.1 The purpose of this procedure is to establish the process that will be followed to address a Complaint of Student Misconduct.

## 2.0 DEFINITIONS

2.1 See Appendix A to the Student Conduct Policy (S10.05) (“the Policy”) for definitions of words used in the policy and in these procedures.

## 3.0 PROCEDURE

3.1 Role of the Office Of Student Support, Rights And Responsibilities (“SSRR”)

3.1.1 SSRR activities and areas of responsibility include but are not limited to:

- a. receiving Complaints of alleged Student Misconduct;
- b. assessing the need for interim measures and imposing same on the Respondent;
- c. undertaking a Preliminary Review of Complaints and, when appropriate, addressing Complaints by means of a Resolution Agreement;
- d. investigating or engaging an internal or external Investigator to provide a report outlining findings of fact;
- e. facilitating transmission of the Investigator’s Report to the Executive Director, Student Affairs, who will decide if there was a breach of the Policy;

- f. tracking open cases of alleged Student Misconduct;
- g. tracking cases that have conditions placed on the Respondent;
- h. acting as the office of record for all Student Non-Academic Misconduct records and files; and
- i. preparing the annual report to the Board of Governors regarding Student Misconduct cases.

### 3.2 Making a Complaint of Student Non-Academic Misconduct to the University

#### Imminent Risk – Contact Campus Public Safety

- 3.2.1 Complaints related to safety, security, and other urgent matters should be made to Campus Public Safety (“CPS”), who are responsible for the safety and security of members of the University Community as well as visitors, and to safeguard the operation of the University and its property. Campus Public Safety is responsible for documenting the incident, including their observations and any other relevant circumstances (the “Incident Report”). CPS will forward Incident Reports about Student Misconduct to the SSRR in a timely manner, normally within 24 hours.

#### Notifying the SSRR of Student Non-Academic Misconduct

- 3.2.2 Complaints related to Student Non-Academic Misconduct should be made to the SSRR as soon as possible after the alleged Misconduct occurs to that the matter can be addressed in a timely manner. A significant lapse of time may hinder the SSRR’s ability to take effective action.
- 3.2.3 When a Complaint is received about an event(s) that occurred several months previously, the SSRR will undertake a Preliminary Review (see section 3.3) to assess the viability of proceeding given the passage of time, which may include considerations relating to the availability of witnesses and evidence.
- 3.2.4 The SSRR may forward a Complaint to Campus Public Safety if there appears to be a threat to safety or security, or if it may be required to safeguard the operation of the University or to protect its property.
- 3.2.5 The University reserves the right to temporarily, or permanently, suspend proceedings under these Procedures if it has a significant concern about the health or well-being of either party.

### 3.3 Preliminary Review Of Complaint

- 3.3.1 The Director, Student Support, Rights and Responsibilities (“the Director”) will consider the Complaint and, based on the information provided to the Director, may reject a Complaint on the grounds that:

- a. the Complaint lies outside the scope and jurisdiction of the Policy;
  - b. the alleged Misconduct is minor and does not require corrective action; or
  - c. an Investigation is unlikely to find the facts that would result in disciplinary action.
- 3.3.2 If the Complaint is rejected, the Director must inform the Complainant of the rejection in writing, normally within 30 calendar days, and must include written reasons for the decision to reject the Complaint.
- 3.3.3 The Director may refer a Complaint of alleged Non-Academic Misconduct to the Registrar if it appears there are aspects of the Misconduct related to the University’s policy on Student Academic Integrity (S10.01). If the SSRR is unclear about jurisdiction under the Academic Integrity policy, they may confer with the Academic Integrity Coordinator or the Registrar.
- 3.3.4 The Complainant will not necessarily be identified to the Respondent during a Preliminary Review.
- 3.3.5 If the Director determines through a Preliminary Review that a Complaint should proceed, the SSRR will, whenever possible and appropriate, attempt to address the Respondent’s conduct using Voluntary Resolution and a Resolution Agreement.
- 3.4 Review of Director’s Decision to Reject a Complaint
- 3.4.1 The Complainant may request that the Director’s decision to reject the Complaint be reviewed by the Executive Director, Student Affairs (“EDSA”). The Complainant’s request must be made in writing and submitted to the SSRR within 30 calendar days of the Complainant receiving notification that their Complaint was rejected.
- 3.4.2 The EDSA will consider the Complainant’s request and make a decision. The EDSA’s decision shall be final and will be communicated to the Complainant in writing, with reasons.
- 3.5 Interim Measures
- 3.5.1 The Director, Student Support, Rights and Responsibilities may impose interim measures while an alleged incident of Misconduct is being addressed, investigated, or decided. Such measures will be precautionary, take undue hardship for the Respondent into consideration and are expressly not 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.
- 3.5.2 Interim Measures are imposed to:
- a. safeguard the environments of individuals disclosing or reporting conduct issues or complaints and of individuals whose conduct is being questioned;

- b. address personal safety;
- c. discourage or prevent retaliation;
- d. protect confidentiality;
- e. minimize disruption to learning, working, or University Residence environment; and/or
- f. preserve the University's ability to conduct a thorough investigation.

3.5.3 Interim measures may include, but are not limited to, the following:

- a. the exclusion of the Respondent(s) from all or any part of the University campuses;
- b. limiting proximity to, or contact with, specific individuals;
- c. limiting participation in campus activities;
- d. limiting the use of the University's information and communications technology; and/or
- e. requiring the Respondent(s) to meet regularly with designated University staff members.

3.5.4 The Office of Student Support, Rights & Responsibilities (SSRR) may request that the Registrar impose interim measures which may include but are not limited to, prohibiting the student from:

- a. further enrollment in class;
- b. receipt of official transcripts or other official university documents;
- c. use of SFU information and communication technology resources;
- d. graduation: and/or
- e. admission to other academic programs at the university.

3.5.5 The SSRR may add a temporary notation to the Respondent's file in the Student Information System, limiting the Student's activity in the system with permission from the Executive Director, Student Affairs. If there are active or imminent acts of violence or threats of violence, the matter will be addressed under the University's Response to Violence and Threatening Behaviour Policy (GP 25).

### 3.6 Voluntary Resolution

- 3.6.1 Where appropriate, the SSRR will work collaboratively with the Complainant, the Respondent and in some cases their respective representatives to determine a voluntary resolution to the Complaint.
- 3.6.2 A voluntary resolution process does not result in a determination of whether the Policy has been violated. The focus is on finding a voluntary resolution to the Complaint. Examples of voluntary resolution include but are not limited to:
- a. an educational conversation with the Respondent;
  - b. the Complainant communicating to the Respondent that the Respondent's behaviour is unacceptable; and/or
  - c. a facilitated conversation between the Complainant and the Respondent.
- 3.6.3 If the SSRR, after reviewing information gathered determines, on a balance of probabilities, that Student Misconduct has occurred, the SSRR may discuss the matter with the Respondent to determine possible steps the Respondent could take to correct or resolve the issue. The SSRR may refer the Respondent to University and/or community-based support services.
- 3.6.4 A Respondent may be accompanied by a support person of their choice to the Voluntary Resolution meeting(s).
- 3.6.5 If the Complaint is not resolved by Voluntary Resolution, the matter may proceed to Investigation under section 3.6 of these procedures.
- 3.6.6 If the Respondent agrees to the resolution proposed by the SSRR, the SSRR will prepare a written Resolution Agreement outlining action to be taken by the Respondent, which the Respondent will sign.
- 3.6.7 The Resolution Agreement will be revoked if the Respondent breaches the Resolution Agreement. If the Respondent fails to adhere with any aspect of the Resolution Agreement, the SSRR will proceed to Investigation under section 3.6 of these procedures.
- 3.6.8 The SSRR will retain a copy of the signed Resolution Agreement and will monitor the Respondent's adherence with the Resolution Agreement. Failure to adhere with a signed Resolution Agreement is prohibited under the Policy (see Appendix B, section 2.2.14). In the event the Respondent does not adhere with the conditions of the Resolution Agreement, the University may pursue both the original conduct addressed by the Resolution Agreement and the breach of the Resolution Agreement.
- 3.6.9 A Resolution Agreement may be entered into at any time prior to the Executive Director, Student Affairs imposing disciplinary measures.

## 3.7 Investigation

### Purpose and Conduct of Investigation

- 3.7.1 When a Resolution Agreement is deemed not to be an appropriate course of action, was breached, or could not be reached, SSRR may initiate an Investigation. The SSRR will determine whether and how to investigate the Report, including whether to investigate it internally or whether the Investigation will be undertaken by an external Investigator.
- 3.7.2 The purpose of the Investigation is to determine what occurred.
- 3.7.3 In cases involving allegations of sexual violence and misconduct, the Investigator will have training in trauma-informed Investigations.
- 3.7.4 Where more than one Report has been made about a Respondent, the SSRR may decide that the Reports will be investigated together.
- 3.7.5 The SSRR will notify the Complainant and Respondent in writing that an Investigation is being initiated.
- 3.7.6 The Complainant and the Respondent may each be accompanied by a support person of their choice to the Investigation meeting(s).
- 3.7.7 All Investigations under these procedures should:
- a. be undertaken promptly and diligently, and be as thorough as necessary, given the circumstances;
  - b. be objective, and be fair and impartial to both the Complainant and the Respondent when evaluating the allegations;
  - c. comply with all relevant provisions in any applicable collective agreement or policy, including notice, timelines, and other process requirements;
  - d. be sensitive to the interests of all parties involved and maintain confidentiality to the extent possible under the circumstances; and
  - e. be focussed on finding facts and evidence, which includes interviewing the Complainant, the Respondent, and any witnesses, and reviewing any documents that the Investigator considers may contain relevant information.
- 3.7.8 The Investigator will be provided with, and will adhere to, the terms of reference for the Investigation, protocols for conducting the Investigation, and a timeline for completing the Investigation. Within those parameters, the Investigator has the discretion to conduct the Investigation in a manner they deem most appropriate in the circumstances, but always in accordance with the principles of procedural fairness.
- 3.7.9 In general, the Investigator will interview whomever the Investigator determines might have relevant information and who is willing to participate in the process. The



Investigator may request one or more interviews with the Complainant and Respondent. The Investigator will also consider any evidence they decide is relevant for the Investigation Report.

3.7.10 If the Complainant or the Respondent refuses to cooperate with the Investigation, the Investigator may proceed with the Investigation without that person's participation.

3.7.11 Upon the conclusion of an Investigation, the Investigator will prepare a written report ("Investigator's Report) in a manner that facilitates compliance with the access to information and protection of privacy provisions of the *Freedom of Information and Protection of Privacy Act*.

3.7.12 Where an external Investigator conducts the Investigation, the Guidelines in Appendix D will apply.

### 3.8 Investigator's Report

3.8.1 Upon conclusion of the Investigation, the Investigator will prepare and submit the Investigator's Report, which will include the findings of facts in the case, disputed and undisputed.

### 3.9 Decision, Disciplinary Measures, And Notice of Right to Appeal

3.9.1 The Executive Director, Student Affairs will:

- a. read and consider the Investigator's Report;
- b. provide the Respondent with a copy of the Investigator's Report (redacted if necessary); and
- c. provide the Respondent with an opportunity to meet with the Executive Director, Student Affairs to discuss the Investigator's Report and to provide any submissions regarding the Investigator's Report or about consequences which may be imposed by the Executive Director, Student Affairs.

3.9.2 At this stage, the Respondent may seek to negotiate a Resolution Agreement as described in section 3.5 of these procedures. Resolution Agreements do not constitute Disciplinary Measures.

3.9.3 The Executive Director, Student Affairs will consider the Investigator's Report, the discussion and submissions from the meeting with the Respondent, if any, and will decide whether, on a balance of probabilities, there was a breach of the Policy.

3.9.4 If the Executive Director, Student Affairs decides there was no breach of the Policy, they will dismiss the Complaint and their decision is final.

- 3.9.5 If the Executive Director, Student Affairs decides there was a breach of the Policy, they may do any of the following:
- a. impose one or more of the Disciplinary Measures set out in Appendix C to the Policy, except suspension; or recommend that the President suspend the Respondent. In deciding upon the appropriate University response to a finding of a breach of the Policy, consideration must be given to the principles in section 1.0 of the Policy and to the following factors:
    - i. the extent of the Misconduct;
    - ii. the impact of the Misconduct on members of the University Community;
    - iii. the inadvertent or the deliberate nature of the Misconduct;
    - iv. whether the act in question is an isolated incident or part of repeated acts of Misconduct; and
    - v. any other mitigating or aggravating circumstances.
- 3.9.6 The Executive Director, Student Affairs will communicate in writing to the Respondent:
- a. their decision, with reasons, as to whether there was a breach of the Policy;
  - b. the Disciplinary Measures imposed, if any; and
  - c. notice that the Respondent has the right to appeal the decision and the Disciplinary Measures, where to direct the appeal, and the time limit and process for bringing an appeal.
- 3.9.7 If the Executive Director, Student Affairs recommends to the President that the Respondent be suspended, the EDSA will communicate this to the Respondent. The Respondent will be provided with an opportunity to meet with the President or to make a written submission to the President, or both, as they choose.
- 3.9.8 The President may suspend the Respondent or refer the matter back to the Executive Director, Student Affairs to impose a lesser sanction. If the President suspends the Respondent, the Respondent may appeal (see Section 3.10 below).
- 3.9.9 The Executive Director, Student Affairs will, where appropriate, provide the Registrar with a copy of the decision, including any Disciplinary Measures.
- 3.9.10 The Registrar is responsible for taking any relevant actions in accordance with the decision, including making a notation on a Student's transcript and placing an academic hold on a Student's academic status for the duration of a suspension.
- 3.9.11 The Office of Student Support, Rights & Responsibilities will determine if any members of the University Community or academic or administrative departments need to be notified of any relevant actions related to the decision.

3.9.12 Upon request, the Executive Director, Student Affairs will provide the Complainant with a written decision summarizing the outcome of their Complaint.

### 3.10 Appeals to VPSI (from a decision of the EDSA)

3.10.1 A Respondent may appeal the decision made by the Executive Director, Student Affairs and any Disciplinary Measures they imposed to the Vice Provost and Associate Vice-President, Students and International (“VPSI”). The VPSI will be the final point of appeal.

3.10.2 Appeals to the VPSI can be submitted on one or more of the following grounds:

- a. That a procedural error occurred of sufficient magnitude that it may reasonably be said to have affected the fairness of the process or altered the outcome of the case against the Respondent;
- b. That a factual error occurred of sufficient magnitude that it may reasonably be said to have altered the outcome of the case against the Respondent;
- c. That the penalty imposed on the Respondent is excessive considering all the circumstances of the case; or
- d. That new material evidence is available which, despite the exercise of due diligence by the Respondent wishing to appeal, could not have been made available to the Executive Director, Student Affairs at the time of the decision giving rise to the appeal.

### 3.11 Appeals to Senate (from a decision of the President)

3.11.1 A Student may appeal to Senate:

- a. discipline summarily imposed by the President; and
- b. the President’s decision to suspend a Student.

## 4.0 DELIBERATELY MISLEADING COMPLAINTS

4.1 Making a deliberately misleading Complaint under the Student Conduct Policy or its procedures is prohibited conduct that is subject to a range of corrective and disciplinary measure. Making a Complaint on a genuinely held but mistaken belief that Misconduct occurred is not considered to be deliberately misleading.

4.2 If the University determine that a deliberately misleading Complaint of Misconduct was made, the SSRR will, in consultation with the office responsible for the addressing the conduct of the Complainant, consider disciplinary action.

## 5.0 MULTIPLE PROCEEDINGS

5.1 The University reserves the right to:

- 5.1.1 proceed with, defer, or suspend its own processes where criminal, civil, or administrative proceedings are commenced about the alleged Misconduct;
- 5.1.2 inform the relevant law enforcement agent 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;
- 5.1.3 undertake proceedings under the Policy and these procedures 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.

## 6.0 ACCESS TO INFORMATION, CONFIDENTIALITY AND PROTECTION OF PRIVACY

- 6.1 The information and records made and received to administer the Policy and these procedures 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. To the extent possible, the information and records will be treated in a confidential manner, in compliance with the Act and with applicable University's policies.
- 6.2 Reports filed under the Student Conduct Policy and addressed under these procedures may involve the collection, use, and disclosure of sensitive personal information. Confidentiality is required so that people will feel free to come forward. Confidentiality is also required so that the reputations and interests of those accused is protected. However, either party may discuss the case in confidence with their support person.
- 6.3 Subject to any limits or disclosure requirements imposed by law or by the Policy or these procedures, any and all information, oral and written, created, gathered, received or compiled through the course of a Complaint is to be treated as confidential by both the Respondent and Complainant, their representatives, support persons, witnesses, and the officials designated by the Policy or these procedures.
- 6.4 Any person breaching confidentiality may be subject to disciplinary sanction or other appropriate action.

## 7.0 RELATED LEGAL, POLICY AUTHORITIES, AND AGREEMENTS

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

- 7.1.1 *University Act*, R.S.B.C. 1996, c. 468

- 7.1.2 *Freedom of Information and Protection of Privacy Act*, R.S.B.C. 1996, c. 16
- 7.1.3 *Human Rights Code*, R.S.B.C. 1996, c. 210
- 7.1.4 Student Academic Integrity (S10.01)
- 7.1.5 Senate Committee on Disciplinary Appeals (S10.03)
- 7.1.6 Human Rights Policy (GP-18)
- 7.1.7 Fair Use of Information and Communications Technology (GP 24)
- 7.1.8 Response to Violence and Threatening Behaviour (GP 25)
- 7.1.9 Bullying and Harassment Policy (GP-TBA)
- 7.1.10 Sexual Violence and Misconduct Prevention, Education and Support Policy (GP 44)
- 7.1.11 SFU's Information Policies (I-10 series)
- 7.1.12 Residence Handbook and Residence Licence Agreement

# APPENDIX A – DEFINITIONS – STUDENT CONDUCT POLICY

<b>Date</b>	<b>Number</b>
November 22, 2018	S 10.05
<b>Date of Last Review/Revision</b>	<b>Mandated Review</b>
Discussion Draft Feb 16/21	_____ 2026

Policy Authority: Vice-President, Academic and Provost

Parent Policy: Student Conduct Policy (S 10.05)

## 1.0 PURPOSE

1.1 The definitions in this Appendix define the words used in the Student Conduct Policy (S10.05) and in the Student Conduct Procedures.

## 2.0 DEFINITIONS

2.1 **Behavioural Contract** (“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 13 of this Policy. In certain circumstances, the University and the Respondent may agree to retain the Contract on the Student’s file.

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

2.3 **Complaint** means a Complaint regarding Student Conduct made to Campus Public Safety or to the Office of Student, Support, Rights & Responsibilities (“SSRR”) by a member of the University Community or a visitor to the University, 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 by a Complainant with respect to the Respondent or Respondents.

2.4 **Investigation** means an investigation process overseen by the Office of Student Support, Rights & Responsibilities, whether conducted by an internal or external Investigator, to determine what occurred.

- 2.5 **Investigator** means the person responsible for conducting the Investigation.
- 2.6 **Misconduct** means behaviour the Student knows, or ought reasonably to know, would have an adverse effect on:
- 2.6.1 the safety of members of the University Community and visitors;
  - 2.6.2 the integrity or the proper functioning of the University and its activities;
  - 2.6.3 the use of University facilities; or
  - 2.6.4 the condition of University property.
- Misconduct includes a Student engaging in, attempting to engage in, or assisting another Student to engage in, such conduct.
- Examples of Misconduct are provided in Appendix B to the Student Conduct Policy (S10.05).
- 2.7 **Office of Student Support, Rights and Responsibilities (“SSRR”)** means the University administrative office assigned the mandate to carry out the operational procedures under this Policy.
- 2.8 **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 address the Misconduct without recourse to Investigation or discipline. This is considered a voluntary resolution; it is non-disciplinary. The Resolution Agreement is confidential and held in the Student Conduct Office.
- 2.9 **Respondent** means a Student or Students against whom an allegation of Misconduct has been made pursuant to the Student Conduct Policy (S10.05).
- 2.10 **Responsible Officer** means the Executive Director, Student Affairs.
- 2.11 **Retaliation** means an adverse action or threatened action, direct or indirect, taken or made through any means, against a person who invoked this policy or its procedures in good faith, or against a person who participated or cooperated in good faith in a University process addressing a Complaint. Retaliation is prohibited conduct.
- 2.12 **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.

- 2.13 **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.
- 2.14 **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.
- 2.15 **Voluntary Resolution** means the process whereby the University and Respondent intend to address the Misconduct through a Resolution Agreement.
- 2.16 **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.



# APPENDIX B - STUDENT CONDUCT POLICY: EXAMPLES OF PROHIBITED CONDUCT

<b>Date</b>	<b>Number</b>
November 22, 2018	S 10.05
<b>Date of Last Review/Revision</b>	<b>Mandated Review</b>
Discussion draft – Feb 16/21	_____ 2026

Policy Authority: Vice-President, Academic and Provost

Parent Policy: Student Conduct Policy (S 10.05)

## 1.0 PURPOSE

1.1 The purpose of this Appendix is to provide examples of prohibited conduct pursuant to the Student Conduct Policy (S10.05) (“the Policy”). See Section 5 of the Policy.

## 2.0 PROHIBITED CONDUCT

2.1 Misconduct is defined in section 2.7 of Appendix A to the Policy. Misconduct may result in the imposition of disciplinary measures.

2.2 Examples of Misconduct are provided below, in subsections 2.2.1 to 2.2.16 of this Appendix, to illustrate the type of conduct that is prohibited and will be subject to University action. Engaging in such conduct could lead to intervention or discipline by the University. This list of examples is not exhaustive and any conduct that a Student knows, or ought reasonably to know, is Misconduct is prohibited by the Policy.

2.2.1 **Misconduct Against People** includes, by word or action:

- a. physical aggression, assault, intimidation, threat, or coercion;
- b. threatening or endangering the health, safety, or well-being of any person;
- c. sexual violence and misconduct, which means a sexual act or acts targeting a person’s sexuality, gender identity, or gender expression that is committed, threatened, or attempted against a person without the person’s consent and may involve physical contact. This includes, but is not limited to: sexual assault, sexual exploitation, sexual harassment, stalking, indecent exposure, voyeurism, and the distribution of sexually explicit photographs or videos of a person without their consent; or

- d. behaviour that the Student knows, or ought reasonably to know, would be unwelcome and would cause another person to feel threatened, intimidated, or harassed.
- 2.2.2 **Hazing** means engaging in initiation ceremonies or other rituals that are dehumanizing or degrading, including initiation ceremonies associated with sports teams or clubs. This includes individual or collective acts to intimidate or humiliate another person.
- 2.2.3 **Disruption** means engaging in unruly or threatening behaviour that causes a disturbance and disrupts or threatens to disrupt a University event, activity, or process.
- 2.2.4 **Unauthorized Possession or Use of Dangerous Substances** includes possessing or using toxic, or otherwise dangerous, substances or materials on University premises without the knowledge and prior written permission of the University's Chief Safety Officer or designate.
- 2.2.5 **Unauthorized Possession or Use of Weapons or Dangerous Objects** includes possessing or using real or replica firearms (including registered firearms) or other weapons, explosives (including fireworks), ammunition, or other dangerous objects on University premises without the knowledge and prior written permission of the University's Chief Safety Officer or designate.
- 2.2.6 **Alcohol** means possessing or consuming alcoholic beverages, except as permitted by law or by University policy.
- 2.2.7 **Illegal or Controlled Substances** includes the manufacture, sale, delivery, possession, or use, in any amount, of any illegal or controlled substance and/or possession of drug paraphernalia, except as permitted by law.
- 2.2.8 **Misconduct Against Property** includes:
- a. possessing or using University property, or property that does not belong to the Student, without the owner's consent or authority;
  - b. destroying, interfering with, or damaging University property or resources, or property that does not belong to the Student;
  - c. defacing any University property including buildings or premises;
  - d. removing books or other library or archival material without authorization; or
  - e. defacing or deliberately misplacing library or archival materials, or engaging in actions which deprive other members of the University Community or the public of their opportunity to access these University resources.
- 2.2.9 **Unauthorized Entry or Presence** means entering or remaining in any University building, facility, or premises, or allowing others to have access to areas designated for faculty or staff, without authorization or contrary to express instructions from persons in authority (such as instructors, administrators, or security personnel).
- 2.2.10 **Fraud, Misuse, and Impersonation** include:

- a. forging, misusing, misrepresenting, or altering any University record;
  - b. obtaining any textbooks, study aids, equipment, materials, or services by fraudulent means;
  - c. submitting a manufactured, forged, altered, or converted document, including a forged or altered medical certificate, death certificate, or travel document to a University official which the Student knows, or ought reasonably to have known, to be altered;
  - d. impersonating an instructor, Student, or other member of the University Community;
  - e. obtaining a financial or other advantage by fraudulent means; or
  - f. misrepresenting identity, status, qualifications, or authority.
- 2.2.11 **Violation of a University Policy** means contravening a University policy, rule, regulation, or the like including, but not limited to, the Fair Use of Information and Communications Technology Policy (GP 24), the Human Rights Policy (GP 18), the Confidentiality Policy (I 10.10), the Sexual Violence and Misconduct Education, Prevention, and Support Policy (GP 44), and the Bullying and Harassment Policy (GP-TBA).
- 2.2.12 **Violation of Residence and Housing Handbook or Residence Contract** means a violation of the published rules and community standards governing University Residence as set out in the Residence and Housing Handbook or violation of the Residence License Agreement.
- 2.2.13 **Misuse of Disciplinary Procedures** means falsifying or misrepresenting information, or causing others to falsify or misrepresent information, which either leads to, or is presented as, part of a University disciplinary process. This includes making a deliberately misleading complaint under the Student Conduct Policy or any other policy against any member of the University Community.
- 2.2.14 **Failure to Comply with Disciplinary Measures or a Resolution Agreement or a Behavioural Contract** means failing to comply with measures imposed pursuant to the procedures under the Policy, failing to comply with the terms of a Resolution Agreement or with the terms of a Behavioural Contract entered into pursuant to the procedures under the Policy, or failing to comply with any other disciplinary measures imposed by the University. Failure to comply could result in further disciplinary measures.
- 2.2.15 **Illegal Conduct** includes criminal convictions for behaviour that is University-related and is contrary to the purpose, spirit, and intent of the Policy. This includes behaviour that violates a provincial or federal law, including Public Health regulations and the *Quarantine Act*.
- 2.2.16 **Retaliation** against a person who invoked the Policy or its procedures in good faith, or against a person who participated or cooperated in good faith in a University process under the Policy or its procedures.

# APPENDIX C - STUDENT CONDUCT POLICY: EXAMPLES OF DISCIPLINARY MEASURES

<b>Date</b> November 22, 2018	<b>Number</b> S 10.05
<b>Date of Last Review/Revision</b> Discussion draft – Feb 16/21	<b>Mandated Review</b> _____ 2026

Policy Authority: Vice-President, Academic and Provost

Parent Policy: Student Conduct Policy (S 10.05)

## 1.0 PURPOSE

1.1 The purpose of this Appendix is to provide examples of Disciplinary Measures pursuant to the Student Conduct Policy (S10.05) (“the Policy”). See section 5.3 of the Policy.

## 2.0 DISCIPLINARY MEASURES

2.1 Pursuant to section 5.3 of the Policy, disciplinary measures may be imposed singly or in combination, and are not limited to those listed below.

2.1.1 **Warning or Reprimand** means a written warning or reprimand to the Student.

2.1.2 **Non Academic Probation** means a written reprimand and order for a designated probationary period in which the Student must fulfill certain conditions, demonstrate good conduct, or otherwise be subject to the imposition of further or more severe disciplinary sanctions.

2.1.3 **Restitution** means payment of compensation for loss, damage, or harm that may be monetary or in the form of appropriate service or material replacement.

2.1.4 **Apology** means issuance of a statement, apology, or retraction in an appropriate form in public or in private.

2.1.5 **Loss of Privileges** means a denial of specified privileges for a specified period, including services or privileges for which the Student pays fees. Privileges include, but are not limited to, those that, if restricted, may affect full participation in campus life and/or residence life, but do not make it impossible to complete academic requirements. Loss of privileges for which a fee has been paid will not result in a partial or full refund of that fee.

- 2.1.6 **Restriction or Prohibition of Access or Use** means a denial for a specified period, or conditions imposed on, the Student's right to access or use of any part or all of the University's premises, equipment, facilities, services, activities, programs, meetings, or events, or those held by or in association with the University. This includes restricting or prohibiting a Student from visiting Residence as the guest of another person.
- 2.1.7 **Restriction on Contact** means restriction or limitation from contact (i.e., in person, on-line, text message, phone, etc.) with an individual or individuals for a specified period of time. This may include a requirement that the Student remove themselves from an area of campus or on-line venue/forum/discussion should they encounter a specified individual or individuals.
- 2.1.8 **Conditions for (Re)enrollment** include, but are not limited to, any of the following:
- a. Behavioural contracts;
  - b. Work assignments, service to the University, or other such discretionary assignments that are considered appropriate, provided that any such work or services is available and not otherwise prohibited;
  - c. Agreement upon mental health support service(s), such as participation in counselling or mental health services at SFU, or coordinated with an external mental health provider acceptable to the University; or
  - d. Agreed upon participation in an SFU-based or externally-based program of academic or personal support.
- 2.1.9 **Loss of Fees** includes the forfeiture or loss of payments, fees, or refunds.
- 2.1.10 **Financial Sanctions** includes fines, disentitlement to, or revocation of, bursaries, awards, and scholarships.
- 2.1.11 **Withdrawal** means 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 withdrawal from any internship, practicum, or research project).
- 2.1.12 **Suspension from the University** means suspension of the Student from the University, either for a specified period after which the Student is eligible to return, or a permanent Suspension from the University. Suspensions will normally also result in withdrawal and/or the imposition of an academic hold.

# APPENDIX D - Student Conduct Policy: Guidelines for Investigations by External Investigators

<b>Date</b> <b>(New)</b>	<b>Number</b> S10.05
<b>Date of Last Review/Revision</b> <b>Discussion Draft Jan 26/21</b>	<b>Mandated Review</b> _____, 2026

Policy Authority: Vice-President Academic and Provost

Parent Policy: Student Conduct Policy (S10.05)

## 1.0 PURPOSE

1.1 This Appendix provides general guidelines for Investigations conducted by an external Investigator under the Student Conduct Procedures (“Procedures”) established under the Student Conduct Policy (S10.05) (“Policy”) (see section 3.6.3 of the Procedures).

## 2.0 INVESTIGATOR

2.1 The external Investigator must be impartial and appropriately qualified.

## 3.0 INVESTIGATOR’S TERMS OF REFERENCE AND INVESTIGATION PROCEDURES

3.1 As outlined in section 3.6 of the Student Conduct Procedures, all Investigations must:

- 3.1.1 be undertaken promptly and diligently, and be as thorough as necessary, given the circumstances;
- 3.1.2 be objective, and be fair and impartial to both the Complainant and the Respondent when evaluating the allegations;
- 3.1.3 comply with all relevant provisions in the Policy and Procedures, including notice, timelines, and other process requirements;
- 3.1.4 be sensitive to the interests of all parties involved and maintain confidentiality to the extent possible under the circumstances; and
- 3.1.5 be focused on finding facts and evidence, which includes interviewing the Complainant, the Respondent, witnesses, and such other persons as the Investigator determines might have relevant information, as well as obtaining and reviewing any documents that the Investigator considers may contain relevant information.

- 3.2 The Office of Student Support, Rights & Responsibilities will provide the Investigator with terms of reference for the Investigation, a protocol for conducting the investigation, and a timeline for completing the Investigation and preparing the Investigator's Report.
- 3.3 The Investigator will adhere to the terms of reference and the protocol and timelines for conducting the investigation. Within those parameters, the Investigator has the discretion to conduct the investigation in the manner they deem most appropriate in the circumstances, but always in accordance with the principles of procedural fairness, including that:
- 3.3.1 the Complainant and the Respondent shall each be advised of the procedures that will be followed; and
- 3.3.2 the Respondent shall be advised of the allegations in the Report and shall be given an opportunity to respond.
- 3.4 If the Complainant or Respondent or any other person who may have relevant information refuses to cooperate or to participate in the investigation, the investigator may proceed with the investigation in their absence.

#### 4.0 INVESTIGATOR'S REPORT

- 4.1 Upon conclusion of the Investigation, the Investigator will prepare the Investigator's Report in a manner that facilitates compliance with the access to information and protection of privacy provisions of the *Freedom of Information and Protection of Privacy Act*.
- 4.2 The Investigator's Report will include Investigator's findings of fact in the case, disputed and undisputed.
- 4.3 The Investigator will submit the Investigator's Report to the Office of Student Support, Rights and Responsibilities.