

<b>University of Prince Edward Island</b>	<b>Policy No.</b> admss_gnl0001	<b>Revision No.</b> 0
<b>Policy Title:</b> Student Code of Conduct		<b>Page 1 of 9</b>
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<b>Policy Approval Authority:</b> Senate	<b>Designated Executive Officer(s):</b> Vice-President, Academic and Research	<b>WWW Access:</b> Yes

## 1. Purpose

- 1.1 The University is a community of students, faculty, and staff involved in learning, teaching, research, and other activities. All members of this community are expected to conduct themselves in a manner that contributes positively to an environment in which safety, respect, civility, diversity, opportunity, and inclusiveness are valued, so as to assure the success of both the individual and the community.
- 1.2 The purpose of this Code is to define the standard of conduct expected of students, provide examples of conduct that may be subject to disciplinary action by the University, provide examples of disciplinary measures that may be imposed, and set out the process and procedures that the University will follow when an allegation of non-academic misconduct is made. Students are expected to be aware of, and to conduct themselves in accordance with the Code.
- 1.3 Students are free to organize their lives, behaviour, and associations, subject to the law, University rules, and the University's authority to provide for the safe and orderly functioning of the University; to ensure well ordering and advancement of the academic welfare of the University; and to protect the proper enjoyment, maintenance, and use of all University property.
- 1.4 The Code shall not be construed to prohibit peaceful assemblies, demonstrations, lawful picketing, or to unreasonably restrict freedom of speech or expression.
- 1.5 Safety on campus shall be a primary guiding principle.

## 2. Scope

- 2.1 The Code applies to the non-academic conduct of students.
- 2.2 The Code does not apply to incidents of sexual violence, to which the University's Sexual Violence Policy applies.
- 2.3 The Code does not apply to the academic conduct of students, which is governed by Academic Regulations 12 and 20.

## 3. Definitions

- 3.1 In this Policy, the following words have the corresponding meanings:

- (a) **Campus** means the University campus located at 550 University Avenue, Charlottetown, Prince Edward Island, and any other property and buildings owned or controlled by the University.
- (b) **Complainant** means a person making a complaint under this Code;
- (c) **Complaint** means a complaint made under this Code;
- (d) **Code** means this Student Code of Conduct.
- (e) **Director** means the University's Director, Student Affairs.
- (f) **Expulsion** means the permanent termination of all of a Student's rights and privileges as a student at the University, with no possibility for readmission.
- (g) **Hazing** means an act that endangers the mental or physical health or safety of a University Community member for the purposes of initiation or admission into, affiliation with, or as a condition for continued membership in any group or organization.
- (h) **Instructor** means a person assigned to teach a course or their delegate.
- (i) **Letter of reprimand** means a written warning to a Student that their behaviour has violated this Code and that a more severe penalty will be imposed if further violations of the Code occur in the future. A copy of the letter of reprimand shall be placed in the Student's official file in the Registrar's office.
- (j) **Probation** means a penalty whereby a Student is warned that any allegation of a further violation of this Code, during a specified period of time, shall immediately be referred back to the Student Conduct Investigator for investigation.
- (k) **President** means the President and Vice-Chancellor of the University;
- (l) **Removal or suspension of privileges** means the removal of all or specified University privileges such as access to the library, use of on-campus computer accounts, or UPEI network access, either permanently or for a specified period of time.
- (m) **Respondent** means a person against whom a complaint has been made pursuant to this Code;
- (n) **Restitution** means a payment to cover the costs of repairing or replacing damaged property or misused supplies in respect of which a violation of the Code was committed.

- (o) **Sexual violence** means sexual violence as defined in the University's Sexual Violence Policy;
- (p) **Student** means a person who is registered (paid their fees or has arranged to pay the fees) at the University, or a person who is eligible to register at the University, has not graduated, and can resume studies at the University without having to initiate a formal re-application, including, but not limited to, undergraduate, graduate and professional students.
- (q) **Suspension** means temporary termination of all of a student's rights and privileges as a student at the University, for either a fixed or indeterminate period of time. While under suspension, a student may not be on campus, register, attend courses, write examinations, participate in a co-op employment program, or graduate. Courses taken elsewhere during a period of suspension shall not be eligible for credit toward a University degree. In the case of graduate students, any research or writing completed during a suspension may not be submitted in fulfillment of program requirements after the suspension is concluded.
- (r) **University** means the University of Prince Edward Island.
- (s) **University activity** means any activity conducted at or in relation to the University, including but not limited to:
  - (i) academic activities, such as lectures, courses and laboratories;
  - (ii) non-academic activities, such as:
    - (A) administrative activities and functions;
    - (B) social events;
    - (C) athletic activities;
    - (D) any activity sponsored, supported or organized by the University or with University resources, or with which the University is associated; and
    - (E) any activity that occurs on campus.
- (t) **University community** includes faculty members, librarians, employees, and students of the University, both full and part time; members of the University's Board of Governors, any other person who teaches, conducts research, or works or volunteers at or under the auspices of the University.
- (u) **University personnel** includes all individuals employed by the University.

- (v) **Vice-President, Academic & Research** means the University's Vice-President, Academic & Research or their designate.

#### **4. Application**

- 4.1 This Code applies to conduct that occurs on campus, off campus or electronically.

#### **5. Responsibility**

- 5.1 The University's Senate is responsible for establishment and amendment of the Code.
- 5.2 The Vice-President, Academic & Research is responsible for initiating a review of the Code at least once every five years.

#### **6. Administration**

- 6.1 The Director shall administer the student discipline process.

#### **7. Student Misconduct**

- 7.1 Any conduct on the part of a student that has, or might reasonably be seen to have, an adverse effect on a member of the University community, the integrity or the proper functioning of the University, or the health, safety, rights, or property of the University or a member of the University community, is subject to discipline under the Code.
- 7.2 This section sets out specific examples of misconduct. It is intended to help students understand the type of conduct that will be subject to discipline. It is not an exhaustive list and students should be aware that their conduct may still be considered misconduct under the Code even if it does not specifically appear in the Code.
- 7.3 Subject to section 7.4, misconduct for which students may be subject to discipline includes but is not limited to:
- (a) conduct that endangers or threatens the health, safety or well-being of another person;
  - (b) physically or verbally aggressive behavior, assault, harassment, intimidation, threats or coercion;
  - (c) unwelcome or persistent conduct that the student knows, or ought to reasonably know, would cause another person to feel demeaned, intimidated, or harassed.
  - (d) conduct that could constitute discrimination or harassment under the PEI *Human Rights Act*;

- (e) making, attempting to make, transmitting, or attempting to transmit or disseminate audio, video, or images of any person, without that person's express consent, where the person has a reasonable expectation of privacy;
- (f) conduct that involves an invasion of privacy through electronic or other means;
- (g) participating in or directing hazing;
- (h) conduct that adversely affects the ability of others to participate in any University activity;
- (i) The use of language or gestures at any University activity, that the student knows, or ought to reasonably know, would be abusive or offensive.
- (j) Intentional obstruction or disruption of any University activity,
- (k) unauthorized possession or use of property belonging to the University or anyone else;
- (l) misappropriation, destruction, defacement of, or damage to property belonging to the University or anyone else;
- (m) obtaining any University equipment, material or service by fraudulent means;
- (n) providing false information or identification to University personnel, or in relation to any University activity;
- (o) unauthorized entry or access to any part of campus, or willingly allowing others to do so;
- (p) failure or refusal to exit any part of campus when so instructed by University personnel;
- (q) forgery, misuse or alteration of any University document or record;
- (r) unauthorized use of the University's name, crest, or logo;
- (s) the manufacture, purchase, sale, possession, use, or consumption of any illegal drug, or drug paraphernalia;
- (t) the manufacture, purchase, sale, possession, use, or consumption of any controlled or regulated substance, including but not limited to alcohol, tobacco and cannabis, except as permitted by law and University policy;

- (u) storing, possessing, or using real or replica firearms or other weapons, explosives (including fireworks), ammunition, or toxic, noxious, or dangerous materials on campus;
  - (v) failure or refusal to follow reasonable directions of University personnel, including a Faculty member or instructor;
  - (w) providing false or misleading information to University personnel, or causing others to do so;
  - (x) unauthorized solicitation or canvassing for commercial purposes;
  - (y) failure to comply with any University policy or rule;
  - (z) failure to comply with any sanction imposed under this Code;
  - (aa) violation of any federal, provincial or municipal law; and
  - (bb) interference with any investigation or proceeding under this Code or any other University policy:
- 7.4 Incidents of sexual violence are subject to the University's Sexual Violence Policy, and not this Code. In the event of an inconsistency between this Code and the Sexual Violence Policy, the latter prevails.
- 7.5 Principles of academic freedom are not an acceptable justification for conduct that violates the Code.
- 8. Complaints of Student Misconduct**
- 8.1 Any University community member may make a complaint to the Director alleging that a student has engaged in misconduct related to a university activity. Any such complaint must be in writing, shall set out the facts of the alleged misconduct and shall be made within fourteen days of the complainant having become aware of the misconduct. The Director may extend the time for making a complaint if they deem it appropriate in the circumstances.
- 8.2 The Director may establish and, from time to time amend, a student misconduct complaint form.
- 8.3 The Director may initiate a complaint of their own initiative if they become aware of allegations that a student has engaged in misconduct.
- 8.4 The Director shall appoint and assign an investigator to investigate the complaint.

- 8.5 If an investigator determines that the alleged misconduct is of such a minor nature that it does not require corrective action, or that the complaint does not disclose facts or allegations that would give rise to disciplinary action, the investigator may discontinue further action on the complaint.
- 8.6 The investigator may attempt an informal resolution of the complaint. If the student agrees to a proposed resolution, the investigator shall prepare a written agreement outlining the resolution, which shall be signed by the student. If the matter is resolved informally and the resolution is complied with, the disposition shall be final and there shall be no subsequent proceedings in respect of the allegations.
- 8.7 If informal resolution is not an appropriate option, is unsuccessful, or if the resolution is not complied with, the investigator shall investigate the complaint.
- 8.8 In conducting an investigation, the investigator shall ascertain the facts surrounding the allegations, interview witnesses, and shall afford the student a reasonable opportunity to be heard regarding any relevant evidence about the allegations. The investigator shall conduct the investigation in a manner consistent with the principles of procedural fairness.
- 8.9 The investigator shall, within twenty-one days of commencement of the investigation, issue a written decision in respect of the complaint: This time period may be extended by the Director of Student Affairs.
- 8.10 In the decision, the investigator may:
- (a) dismiss the complaint; or
  - (b) apply one or more sanctions.

## **9. Sanctions**

- 9.1 An investigator may apply one or more of the following sanctions:
- (a) a verbal warning;
  - (b) a letter of reprimand;
  - (c) a removal or suspension of privileges for a specified period of time;
  - (d) place the student on probation for a specified period of time;
  - (e) an order for the student to provide restitution;
  - (f) an order restricting or prohibiting the student's right to access or use any part or all of the University's campus, equipment, facilities, services, activities, programs,

meetings, or events, or those held by, on, or in association with the University, either permanently or for any specified period of time;

- (g) an order for discretionary sanctions against the student, including but not limited to, work assignments, service to the University, education sessions, counselling sessions, a letter of apology or any other discretionary sanction that the investigator deems just and appropriate;
- (h) impose conditions on the student's continued enrolment or attendance at the University;
- (i) suspension or eviction from residence, either permanently or for a specified period of time, or for an indeterminate period of time subject to fulfillment of specified conditions;
- (j) recommend to the President suspension from the University for a specified period of time or for an indeterminate period of time subject to fulfillment of specified conditions; or
- (k) recommend to the President expulsion from the University.

## **10. Decisions of the President**

- 10.1 In respect of a recommendation of suspension or expulsion, the President shall, within fourteen days of the date of the recommendation, render a decision in respect of the sanction to be imposed.

## **11. Appeals**

- 11.1 A student may appeal a disciplinary decision to the Senate Academic and Student Discipline Appeals Committee by making an appeal in writing to the Director within fourteen days of the date of the decision.
- 11.2 An appeal must explicitly state the grounds of appeal and include all necessary information and documentation upon which the appeal is based.
- 11.3 The Senate Academic and Student Discipline Appeals Committee shall determine its own procedure and may establish rules in respect of the conduct of appeals. The Senate Academic and Student Discipline Appeals Committee shall conduct appeals in accordance with the rules of procedural fairness.
- 11.4 All decisions of the Senate Academic and Student Discipline Appeals Committee all be final and binding, subject to appeal to the Appeals Committee of the Board of Governors pursuant to the *University Act*.

- 11.5 An appeal to the Appeals Committee of the Board of Governors shall:
- (a) be made in writing within fourteen days of the date of the University Appeals Committee's decision.
  - (b) explicitly state the grounds of appeal and include all necessary information and documentation upon which the appeal is based; and
  - (c) be conducted in accordance with rules and procedures determined by the Board.

## **12. Interim Suspension and Sanctions**

- 12.1 Notwithstanding anything in this Code, if the President determines that a student poses an immediate risk to safety and security, or if immediate action is otherwise reasonably required in the circumstances, the President may immediately:
- (a) suspend the student for any fixed or indeterminate period of time; and
  - (b) impose any other sanctions described in this Code.
- 12.2 If the President issues an interim suspension or other sanction, the Director shall immediately initiate a complaint of student misconduct and assign an investigator to investigate the complaint in accordance with this Code, unless the student advises in writing that he or she does not wish to contest the suspension or sanction.
- 12.3 In circumstances where the President issues an interim suspension or other sanction, investigation and appeal processes shall be completed with all due haste.

## **13. Record of Suspension or Expulsion**

- 13.1 A suspension or expulsion imposed on a student shall be recorded on the student's record and official transcript.

## **14. Review**

- 14.1 This Code shall be reviewed at least once every five years.

## **15. Related Policies**

- 15.1 Sexual Violence Policy