

RULES FOR PRESIDENT'S ADVISORY COMMITTEE ON STUDENT DISCIPLINE

DEFINITIONS

1. In these rules:

Act means the *University Act*.

ARES means the director of Applied Research and Evaluation Services in its capacity as administrator of the Language Proficiency Index and includes a person designated by the director to represent ARES.

Committee means the President's Advisory Committee on Student Discipline and includes a panel comprised of at least three members of the Committee.

Dean's Office means the dean of the faculty of the course in which the student is enrolled and includes a faculty member designated by the dean to represent the faculty.

Enrolment Services means the Registrar and includes a person designated by the Registrar to represent Enrolment Services.

Initiator means the party that refers an allegation of academic misconduct to the Committee. Normally, a Dean's Office refers allegations but on occasion, ARES or Enrolment Services may also refer allegations to the Committee.

Office of the University Counsel means the University Counsel and includes a person designated by the University Counsel to represent the Office of the University Counsel.

President means the President of the University.

University means The University of British Columbia, a corporation continued under the Act.

Working Day means any day, excluding weekends, statutory holidays, or other days on which the University is closed.

ALL DISCRETION RESERVED TO THE PRESIDENT

2. All authority under the Act remains vested in the President. The President is in no way bound to accept the findings of the Committee.

PURPOSE AND POWERS OF THE COMMITTEE

3. The Committee is constituted to assist the President in his or her disciplinary decisions by impartially considering allegations of misconduct against students in light of the relevant evidence presented to it and communicating its findings to the President.
4. The Committee will consist of:
 - (a) a Chair who is appointed as Chair by the President to serve at the pleasure of the President;
 - (b) a Vice-Chair who is appointed as Chair by the President to serve at the pleasure of the President; and
 - (c) such other members as the President may appoint from time to time to serve at the pleasure of the President.
5. Hearings of the Committee will take place before:
 - (a) the Chair or the Vice-Chair, who shall preside over the hearing; and
 - (b) at least 2 other members of the Committee, to be selected by the presiding Chair or Vice-Chair.
6. The Committee will follow principles of natural justice and fairness. It is not constrained by strict rules of procedure and evidence.

ROLE OF THE INITIATOR

7. When an Initiator refers an allegation(s) of academic misconduct to the Committee, the Initiator will submit a completed Statement of Case in the form prescribed by the Office of the University Counsel that:
 - (a) sets out all facts relevant to the allegation(s);
 - (b) includes all documentary evidence on which the Initiator intends to rely; and
 - (c) lists the witnesses, if any, who will be called by the Initiator at the hearing before the Committee.
8. The Initiator will normally be responsible for presenting the allegation(s) at the hearing before the Committee, including the presentation of documentary evidence and the questioning of witnesses, if any.

ROLE OF THE COMMITTEE

9. Upon receipt of a Statement of Case, the presiding Chair or Vice-Chair will:
 - (a) set a date for the hearing;
 - (b) inform the student and the Initiator in writing of the time, date and place of the hearing at least fifteen Working Days prior to the date set for the hearing, unless both the student and Initiator consent to a shorter time; and
 - (c) provide the student with a copy of the Statement of Case and any documentary evidence and list of any witnesses submitted by the Initiator.
10. Upon receipt of a Statement of Response, the presiding Chair or Vice-Chair will provide the Initiator with a copy of the Statement of Response and any documentary evidence and list of any witnesses submitted by the student.
11. The presiding Chair or Vice-Chair may arrange for witnesses to attend a hearing or otherwise require the Initiator or the student to provide additional information relevant to the Committee's determination.
12. The presiding Chair or Vice-Chair will submit a report of the Committee's findings (including any findings with respect to extenuating circumstances) to the President, who will decide what disciplinary measures, if any, are to be taken under section 61 of the Act.
13. The presiding Chair or Vice-Chair may extend any time limit herein or make any other ruling or modification to these rules necessary to ensure that the proceedings are fair and impartial and that the principles of natural justice are served.

ROLE OF THE STUDENT

14. No later than ten Working Days prior to the date set for the hearing, the student will submit a completed Statement of Response in the form prescribed by the Office of the University Counsel that:
 - (a) sets out all facts relevant to the allegation(s), including:
 - (i) any facts that will demonstrate that the allegation is false; or
 - (ii) any extenuating circumstances that may assist the Committee's understanding of why the student engaged in the academic misconduct;

- (b) includes all documentary evidence upon which the student intends to rely; and
 - (c) lists the witnesses, if any, who will be called by the student at the hearing before the Committee.
15. The student will normally be responsible for responding to the allegation(s) at the hearing before the Committee, including the presentation of documentary evidence and the questioning of witnesses, if any.
16. The student may be represented or assisted at the hearing before the Committee by any person, including legal counsel. If the student is to be represented by legal counsel then the student must inform the Committee and the Office of the University Counsel at least ten Working Days prior to the hearing.

CONDUCT OF THE HEARING

17. The presiding Chair or Vice-Chair will make any decisions on points of order or procedure as necessary. The Committee:
- (a) may question the student, the Initiator, or any witness at any time;
 - (b) will permit the Initiator to present the allegation against the student;
 - (c) will permit the student to respond to the allegations;
 - (d) will permit the Initiator and the student to question any witness listed in accordance with these Rules;
 - (e) may adjourn at any time and reconvene at a later date as determined by the presiding Chair or Vice-Chair.
18. While all forms of physical evidence, documents, and testimony are normally admissible into evidence at the hearing, the presiding Chair or Vice-Chair may rule that any piece of physical evidence, document, or testimony of a witness is inadmissible.