



RULES FOR THE PRESIDENT'S UBC VANCOUVER AND UBC OKANAGAN NON-ACADEMIC MISCONDUCT COMMITTEES

PURPOSE AND POWERS OF THE COMMITTEES

1. Under section 61 of the *University Act*, RSBC 1996, c. 468 (the “**Act**”), the President of the University is given the power to suspend students and to deal with any matter of student discipline. In order to carry out this duty, the President has established a committee for allegations involving UBC Vancouver students called the President’s UBC Vancouver Non-Academic Misconduct Committee, and a committee for allegations involving UBC Okanagan students called the President’s UBC Okanagan Non-Academic Misconduct Committee (collectively, the “**Committees**”).
2. The Committees assist the President by investigating allegations of non-academic misconduct made against UBC Vancouver and UBC Okanagan students under their respective Student Codes of Conduct, and reporting their findings to the President.
3. Each Committee will have a Chair appointed by the President. Members of the Committees are appointed by the President on the recommendation of University Counsel. Except for the Chairs, all members of the Committees will be students.
4. Quorum for each Committee’s proceedings will be:
 - (a) the Chair, who shall preside over the proceedings; and
 - (b) at least 2 other members of the Committee.
5. The role of the Chair is to exercise impartial control over the investigation in order to achieve an equitable, orderly, timely and efficient process in accordance with the principles of natural justice. The Chair is thus authorized to make all decisions necessary and proper to achieve that end, including decisions related to an extension of any of the time limits set out below.

INITIATION OF THE COMMITTEE PROCESS

6. To refer a matter to the Committee under section 6 of the Student Code of Conduct, the Student Conduct Manager will submit a Statement of Allegations to the Chair in the form prescribed by the Office of the University Counsel.
7. Upon receipt of a Statement of Allegations, the Chair will provide a copy to the student named in the Statement of Allegations.

8. No later than 10 working days after receiving the Statement of Allegations from the Chair, the student will submit any documents they wish the Committee to consider and provide a list of witnesses they wish the Committee to hear from, along with a signed Student's Documents and Witness List in the form prescribed by the Office of the University Counsel, to the Chair.
9. Decisions with regard to which witnesses the Committee will hear from and what documents will be considered are entirely within the discretion of the Chair, and the Chair may ask witnesses to attend the proceedings or obtain documents for consideration whether or not those witnesses or documents were named or submitted by the student or the Student Conduct Manager.
10. The Chair will set a date or dates for any proceedings the Chair deems appropriate in order to investigate the matter. The proceedings will normally take the form of a meeting at which the student and any witnesses will appear before the Committee to respond to the allegations.
11. The Chair will inform the student and any witnesses the Committee wishes to hear from in writing of the time, date and place of the proceedings that the student or witness is expected to attend at least 15 working days prior to the date(s) set for the proceedings, unless the student or witness consents to shorter notice. The Chair will also provide the student with a list of the witnesses the Committee intends to hear from and copies of any documents that will be considered by the Committee.
12. The student is responsible for responding to the allegations at any proceedings before the Committee. If the student wishes to be represented or assisted by another person in any proceedings before the Committee, including legal counsel, the student must apply in writing to the Chair at least 10 working days prior to the proceedings setting out the reasons why such representation or assistance is necessary. The decision as to whether such representation will be allowed is entirely within the discretion of the Chair.

CONDUCT OF THE PROCEEDINGS

13. The Chair will make any decisions regarding procedure and the conduct of the proceedings as necessary, including adjourning the proceedings and reconvening at a later date.
14. These proceedings are investigatory and the Committee is conducting an inquiry, not a trial. The purpose of these proceedings is to explore and investigate the allegations and to reach an informed conclusion as to whether or not non-academic misconduct occurred. Formal rules of evidence commonly associated with a civil or criminal trial will not be applied.
15. The Chair has the discretion to grant observer status to a representative from the Office of the Vice President, Students at UBC Vancouver or the Office of the Associate Vice President, Students at UBC Okanagan, or any other person the Chair deems appropriate.

16. Normally, only the Committee, the student, any witnesses the Committee wishes to hear from, and anyone granted observer status will attend the proceedings, though the Chair has the discretion to allow any other person to attend as deemed appropriate. Normally, witnesses will only be permitted to attend the proceedings while providing their information to the Committee.
17. When the allegations made are made against more than one student, the Chair may conduct proceedings either jointly or separately.
18. If a student does not appear at the proceedings despite being given notice, the proceedings may proceed on the basis of the information before the Committee.
19. Questions will be asked by the Chair and the Committee members. Participants will not be permitted to cross-examine one another, but may ask the Committee to pose certain questions to other participants, though the decision as to whether such questions will actually be posed to a participant is entirely within the discretion of the Chair. This method of questioning is intended to avoid the creation of an adversarial environment.
20. At the conclusion of the proceedings, the Committee will review the information provided to it and will make a determination as to whether, on a balance of probabilities, the student committed the alleged non-academic misconduct.
21. The 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. The President is in no way bound to accept the findings of the Committee.