



UNIVERSITY OF ALBERTA

CODE OF APPLICANT BEHAVIOUR

11.8 CODE OF APPLICANT BEHAVIOUR

PROCEDURES FOR INVESTIGATING, CHARGING AND ISSUING SANCTIONS FOR INAPPROPRIATE BEHAVIOUR AND ACADEMIC OFFENCES BY APPLICANTS FOR ADMISSION TO THE UNIVERSITY OF ALBERTA

(CLRC 25 SEP 2003)(EXEC 06 OCT 2003) (EXEC 04 MAY 2009)

11.8.1 Introduction:

The enduring value of University life and of the degrees the University confers depends upon the integrity of teaching and research relationships and upon the honesty and soundness of evaluation processes, including the evaluation that occurs during the admission process. Conduct by individuals seeking admission to the University of Alberta that compromises the integrity and fairness of assessment for admission threatens the proper functioning of the University. (CLRC 25 SEP 2003) (EXEC 06 OCT 2003)

11.8.2 Application of this Code of Applicant Behaviour

The following procedures relate only to Applicants. Applicants are defined in Section 11.8.3.4 of this document. Applicants who have committed offence(s) under Section 11.8.4 of this policy will be charged under this policy. (EXEC 04 MAY 2009)

Students are defined in the Code of Student Behaviour. Students who have committed offence(s) under Section 30.3 will be charged under the Code of Student Behaviour. For complete procedures, see the Code of Student Behaviour. (EXEC 04 MAY 2009)

When a person registers for courses, and has passed the Registration Deadline as published in Section 11 of the *University Calendar*, that person ceases to be an Applicant and will no longer be charged under the Code of Applicant Behaviour. Application-related offences identified after the Registration Deadline will be administered under the Code of Student Behaviour. (EXEC 04 MAY 2009)

11.8.3 Definitions:

Within this Code of Applicant Behaviour, the following words are specifically defined: (CLRC 25 SEP 2003) (EXEC 06 OCT 2003)

11.8.3.1 Advisor. A person who assists either party during the disciplinary process. Assistance may be provided by the Dean of Students Office, Student Legal Services, legal counsel or another individual, as either party chooses. (EXEC 04 MAY 2009)

11.8.3.2 Appellant. Any person who appeals under these procedures.

11.8.3.3 Appeals Coordinator. The person or delegate responsible for administration of the University Appeal Board and related Student discipline procedures. The role of Appeals Coordinator is carried out by the Appeals and Compliance Officer, a position appointed by and reporting to the Head (or delegate) of University Governance. (CLRC 25 SEP 2003) (EXEC 06 OCT 2003) (EXEC 04 MAY 2009) (CLRC 22 NOV 2012)

11.8.3.4 Applicant. A person who has never before attended the University of Alberta as a Student as set out and defined in the Code of Student Behaviour: (EXEC 04 MAY 2009)

AND

a. has submitted a University of Alberta application for admission.

or

b. has submitted any documents intended to support the Applicant's application to the University of Alberta. (CLRC 25 SEP 2003) (EXEC 06 OCT 2003)

or

c. sits a University of Alberta sponsored or administered exam, the successful completion of which is considered an application or admission requirement. (EXEC 04 MAY 2009)

or

d. displays an intention to seek admission to the University of Alberta at any time following the commission of one or more of the offences listed in these regulations. (EXEC 04 MAY 2009)

11.8.3.5 **Application.** An Application for Admission to the University of Alberta whether submitted in electronic or paper format. (CLRC 25 SEP 2003) (EXEC 06 OCT 2003) (EXEC 04 MAY 2009)

11.8.3.6 **Application-Related Offence.** Any offence committed by a person related to the act of applying for admission to the University of Alberta. (EXEC 04 MAY 2009)

11.8.3.7 **Dean.** 'Dean' shall be interpreted as the Dean (or delegate) of the Faculty or School to which admission is sought. (CLRC 25 SEP 2003) (EXEC 06 OCT 2003) (EXEC 04 MAY 2009)

11.8.3.8 **Registrar.** The Registrar or delegate in the case of undergraduate Applicants and the Dean of the Faculty of Graduate Studies and Research or delegate in the case of graduate Applicants. (CLRC 25 SEP 2003) (EXEC 06 OCT 2003) (EXEC 04 MAY 2009)

11.8.3.9 **Student.** Students are defined in the Code of Student Behaviour in 30.2.30. (EXEC 04 MAY 2009)

11.8.3.10 **University Appeal Board (UAB).** The appeal board as prescribed within the Code of Student Behaviour (CLRC 25 SEP 2003) (EXEC 06 OCT 2003) (EXEC 04 MAY 2009)

11.8.3.11 **Working Day.** Working Day" or "Business Day" is defined as a day on which University administrative offices are open. For the purposes of these regulations, the Working Day preceding the Christmas holiday period shall not be considered a Working Day for appeal deadlines. (CLRC 24 MAY 2012)

11.8.4 **Offences under the Code**

For purposes of these procedures, it will be considered an offence on the part of an Applicant to the University of Alberta to commit any of the following offences: (EXEC 04 MAY 2009)

11.8.4.1 **Misrepresentation of Facts**

Misrepresent pertinent facts to any member of the University community for the purpose of obtaining academic or other advantage. This includes such acts as the failure to provide pertinent information on an application for admission or the altering of an educational document/transcript. (CLRC 25 SEP 2003) (EXEC 06 OCT 2003) (EXEC 04 MAY 2009)

11.8.4.2 **Participation in an Offence**

Counsel or encourage or knowingly aid or assist, directly or indirectly, another person or persons in the commission of an offence under this Code or the Code of Student Behaviour. (CLRC 25 SEP 2003) (EXEC 06 OCT 2003) (EXEC 04 MAY 2009)

11.8.4.3 Disruption

Knowingly obstruct University activities. University activities include but are not limited to teaching, research, studying, administration, meetings, and public service. However, nothing in these regulations shall be construed to prohibit peaceful assemblies and demonstrations, lawful picketing, or to inhibit free speech; (CLRC 25 SEP 2003) (EXEC 06 OCT 2003)

11.8.4.4 Damage to Property

Possess, misappropriate, convert, destroy or otherwise damage University property or the property of any other member of the University Community. (EXEC 04 MAY 2009)

11.8.4.5 Violations of Safety or Dignity

No Applicant shall create a condition which endangers or potentially endangers or threatens the health, safety or well-being of other persons including: physically abuse another person, threaten any other person with physical abuse or knowingly, and without just cause, cause any other person to fear physical abuse; or harass another person, according to the definition provided in the Code of Student Behaviour. (CLRC 25 SEP 2003) (EXEC 06 OCT 2003) (EXEC 04 MAY 2009)

11.8.5 Procedures for any Member of the University Community who Believes that an Applicant has Committed a Violation of the Code of Applicant Behaviour (EXEC 04 MAY 2009)

11.8.5.1 Any person who believes that an Applicant is guilty of one or more of the offences listed in Section 11.8.4 may initiate proceedings against the Applicant. (EXEC 04 MAY 2009)

11.8.5.2 Where a person believes that an Applicant has committed one of the offences listed in Section 11.8.4, that person must communicate the particulars of the alleged offence to the Registrar. (CLRC 25 SEP 2003) (EXEC 06 OCT 2003) (EXEC 04 MAY 2009)

11.8.6 Procedures for the Registrar (EXEC 04 MAY 2009)

11.8.6.1 The Registrar shall follow these procedures when an alleged offence has been identified by any member of the University community. (EXEC 04 MAY 2009)

In all cases, the Registrar shall notify all Faculties to which the Applicant has applied that an alleged offence has been identified and that the Registrar will be conducting an investigation. (EXEC 04 MAY 2009)

11.8.6.2 The Registrar shall advise the Applicant, in writing, by courier or any method of delivery offered by Canada Post, about the alleged offence, and that no further processing will be done on the application until the case is resolved. The Registrar must provide the Applicant with a reasonable opportunity to respond to the alleged offence and inform the Applicant of the Applicant's right to an advisor. The Applicant will be asked to respond to the alleged offence, either in person or in writing, within a time specified by the Registrar. (EXEC 04 MAY 2009)

In the event that the Applicant refuses or fails to respond to the Registrar within the period of time specified, a decision, which may include a sanction, may be made, taking into

account the available evidence. (EXEC 04 MAY 2009)

11.8.6.3(1) If the facts are determined not to be in dispute, the Registrar may impose one or more of the sanctions listed in 11.8.7. (EXEC 04 MAY 2009)

11.8.6.3(2) If the facts are in dispute, the Registrar shall review the matter by communicating with all parties involved, complete any necessary investigation, and may either dismiss the charges or impose one or more of the sanctions listed in 11.8.7. (EXEC 04 MAY 2009)

11.8.7 **Sanctions and their Impact**

11.8.7.1 Where the Registrar has determined that one or more of the offences listed in 11.8.4 has been committed, the Registrar may impose one or more of the following sanctions: (EXEC 04 MAY 2009)

11.8.7.2 **Types of Sanctions**

11.8.7.2(1) **Written Reprimand**

A reprimand is a notation of concern about the conduct of the Applicant. The reprimand is placed in the Applicant's file held in the Office of the Registrar and Student Awards, or in the case of a graduate Applicant, placed in the graduate Applicant's file held in the Faculty of Graduate Studies and Research. (EXEC 04 MAY 2009)

11.8.7.2(2) **Rescission of Admission Offer**

Rescission of any current offer of admission received by the Applicant, whether conditional or final, and cancellation of any registration. (EXEC 04 MAY 2009)

11.8.7.2(3) **Refusal to Consider Applications**

a. Refusal to consider applications for admission to the University of Alberta for up to five (5) years. (EXEC 04 MAY 2009)

Where a sanction of refusal to consider applications has been imposed, such refusal shall be noted on the Applicant's record until the sanction expires. (EXEC 04 MAY 2009)

b. Permanent refusal to consider applications for admission to the University of Alberta. (EXEC 04 MAY 2009)

Where a sanction of permanent refusal to consider applications has been imposed, the Applicant shall not be considered for admission without the approval in writing of the Provost and Vice-President (Academic) in consultation with the Registrar. Such approval shall not be given before the expiry of five years. (EXEC 04 MAY 2009)

11.8.7.3 Where the Registrar imposes one or more sanction(s) under Section 11.8.7.2, the Registrar shall add this information to the Applicant's paper record, setting out:

- a. the particulars of the offence, and
- b. brief statement giving details of the sanction(s) imposed, including the date the sanction(s) shall take effect. Any sanctions imposed will be suspended until the entire

appeal process has been exhausted or the deadline for appeal has passed. (EXEC 04 MAY 2009)

11.8.8 Notification of the Decision

11.8.8.1 Notice to Applicants

The Registrar shall notify the Applicant of the decision and provide the Applicant with the procedures by which that decision may be appealed, as stated in Section 11.8.8. (CLRC 25 SEP 2003) (EXEC 06 OCT 2003) (CLRC 29 JAN 2009) (EXEC 04 MAY 2009)

11.8.8.2 Notice to Faculties and the Appeals Coordinator

Where a sanction has been imposed, the Registrar will send a copy of the decision to the Appeals Coordinator, as well as to all Faculties to which the Applicant has applied. (CLRC 29 JAN 2009) (EXEC 04 MAY 2009)

11.8.8.3 Service and Notice

a. Material or decisions pertaining to a disciplinary process or appeal, and notice of appeal hearings may be hand-delivered, sent by e-mail, courier, or sent by any method of delivery offered by Canada Post. Alternatively, at the Applicant's request, the Applicant may pick up the material, decision or notice at an arranged place. Where an Applicant has requested to pick up the material but fails to do so, the Dean, Registrar or Appeals Coordinator will decide which method of delivery will be used. (CLRC 29 JAN 2009) (CLRC 24 MAY 2012)

b. When sent by Canada Post, the material, decision or notice shall be sent to the last address provided by the Applicant to the University. (CLRC 29 JAN 2009)

c. Delivery is deemed to have been effected on the date of pick-up, receipt of hand or courier delivery or five (5) Working Days after being sent by Canada Post to Canadian addresses, and seven (7) Working Days after being sent by Canada Post to International addresses. In accordance with the University's *Electronic Communication Policy for Students and Applicants*, (University Calendar, Section 20.3), electronic communications sent by the University will be deemed received the next University business day after the day the e-mail was sent. (CLRC 29 JAN 2009) (CLRC 24 MAY 2012)

d. Notices, decisions and other appeal materials sent by the Appeals Coordinator to the Registrar shall normally be sent by campus mail. Delivery is deemed to have been effected two (2) Working Days following being sent by campus mail. Any of the other methods of deliveries noted in this part may also be used. (CLRC 29 JAN 2009) (EXEC 04 MAY 2009)

e. In all cases, during an appeal to the UAB, the Appeals Coordinator will decide which method of delivery will be used. (CLRC 29 JAN 2009)

11.8.9 Appeals Against Decisions of the Registrar

- 11.8.9.1** When an Applicant has been found to have committed an offence under the Code of Applicant Behaviour, whether or not that Applicant has been given a sanction, the Applicant may appeal that decision. The written appeal must be presented to the Appeals Coordinator in University Governance within 15 Working Days of the deemed receipt of the decision by the Applicant. The finding that an offence has been committed, the sanction imposed or both may form the basis of the appeal. The written appeal must also state the full grounds of appeal and be signed by the Appellant. The appeal shall be heard by the UAB. (EXEC 01 MAY 2006) (EXEC 04 MAY 2009)
- 11.8.9.2** Appellants shall be granted temporary admission provided their applications meet Faculty requirements, and may register in classes. Such temporary admissions are subject to cancellation if the appeal is denied. (EXEC 01 MAY 2006) (EXEC 04 MAY 2009)
- 11.8.9.3** Due to the possibility that Applicants may not reside in Edmonton at the time of their appeal, Applicants may request to forego a formal hearing and elect to ask the UAB to hear the appeal only on paper. The request will be made in writing to the Appeals Coordinator, who shall forward it to the Chair for decision. (EXEC 04 MAY 2009)
- 11.8.9.4** The Provost or delegate shall:
- a. Have access to student records** held by a Faculty, Department or unit, Student Conduct and Accountability, the Office of the Registrar and Student Awards or University Governance in an instance where the Provost has invoked, or is considering invoking, the Protocol For Urgent Cases of Disruptive, Threatening or Violent Conduct (Section 91); (EXEC 03 MAY 2004)(BHRCC 05 MAY 2004) (EXEC 04 MAY 2009) (EXEC 11 MR 2016)
 - b. Intervene in a case** concerning the Code in a case being heard, already heard, or about to be heard by the UAB in an instance where the Provost has invoked, or is considering invoking, the Protocol For Urgent Cases of Disruptive, Threatening or Violent Conduct (Section 91)." (EXEC 03 MAY 2004) (BHRCC 05 MAY 2004)
- 11.8.9.5** The University Appeal Board shall adhere to the same powers as contained in the Code of Student Behaviour, excepting those instances where these powers limit or alter powers as defined in the Code of Student Behaviour. (CLRC 25 SEP 2003) (EXEC 06 OCT 2003)
- 11.8.9.6** Where the applicant denies the commission of the offence or appeals the severity of the sanction, the University Appeal Board shall consider the appeal. In hearing an appeal, the UAB:
- a) shall give all parties to the appeal the opportunity to be heard and to present evidence;
 - b) in addition to considering the evidence presented and the arguments and submissions of the parties, may consider the written reports or written decisions that are under appeal; and
 - c) may make any finding or decision of its own, or otherwise confirm, reverse or vary the decision under appeal. (The UAB, as delegate of General Faculties Council and the Board of Governors, shall have authority to determine whether or not an offence has been committed and to confirm, vary or quash sanctions imposed under this Code.) (CLRC 25 SEP 2003) (EXEC 06 OCT 2003)
- 11.8.9.7** Where the University Appeal Board decides that the applicant is not guilty of the offence,

the appellant's application will be considered on the same basis as all other applicants.

11.8.10 Amendment of the Code of Applicant Behaviour

11.8.10.1 Legislative Authority

General Faculties Council (GFC) and the Board of Governors may amend the Code of Applicant Behaviour in exercise of the authority vested in them by Section 26 of the Post-Secondary Learning Act. (CLRC 25 SEP 2003) (EXEC 06 OCT 2003) (CLRC 25 NOV 2004)

11.8.10.2 Editorial Amendments

11.8.10.2(1) The Campus Law Review Committee (CLRC) decides which amendments are editorial. (CLRC 25 NOV 2004)

11.8.10.2(2) On delegated authority from GFC, all editorial amendments will be approved by the Campus Law Review Committee (CLRC) except editorial amendments to Section 11.8.9. (CLRC 25 NOV 2004) (EXEC 04 MAY 2009)

11.8.10.2(3) All amendments to Section 11.8.9 will be forwarded to the GFC Executive Committee for approval. CLRC 25 NOV 2004) (EXEC 04 MAY 2009)

11.8.10.3 Substantive Amendments

11.8.10.3(1) Amendments to the Code deemed substantive by CLRC are forwarded to the GFC Executive Committee, which will decide whether or not it can act on behalf of GFC. (CLRC 25 NOV 2004)

11.8.10.3(2) Only substantive changes to Section 11.8.9 proceed to the Board Learning and Discovery Committee, which will decide whether or not it can act on behalf of the Board of Governors.(CLRC 25 NOV 2004) (BG 20 JUN 2008) (EXEC 04 MAY 2009)

11.8.10.4 The Code of Applicant Behaviour must be published in each issue of the University Calendar. All amendments approved to the Code and subsequent to the publication of the Calendar are available on-line at <http://uofaweb/ualberta.ca/governance/studentappeals.cfm> (CLRC 25 SEP 2003) (EXEC 06 OCT 2003) (CLRC 25 NOV 2004)(EXEC 04 MAY 2009)

11.8.10.5 The Coordinator of CLRC, in consultation with the Appeals Coordinator, shall maintain the Official Copy of the Code and all amendments thereto. (CLRC 25 SEP 2003) (EXEC 06 OCT 2003)

(CLRC 25 SEPT 2003)	(BG 20 JUN 2008)
(EXEC 06 OCT 2003)	(CLRC 29 JAN 2009)
(EXEC 03 MAY 2004)	(EXEC 04 MAY 2009)
(BHRCC 05 MAY 2004)	(CLRC 24 MAY 2012)
(CLRC 25 NOV 2004)	(CLRC 22 NOV 2012)
(EXEC 01 MAY 2006)	(EXEC MAR 2016)