

**Number & Title:**

I-7: *AMS Policy on Suspensions and Expulsions from AMS Property*

**Effective Date:**

April 25, 2018

**Approved Date:**

April 25, 2018

**Policy Type:**

Internal Policy

**Review Date:**

This Policy shall be reviewed annually.

**Responsible Body:**

Operations Committee

**Authority:**

AMS Bylaw 5, Section 1(f)

**Intent:**

This policy is designed to outline the reasonable standards of behaviour required of individuals on AMS owned or operated property and ensure the safety and security of all individuals on AMS owned or operated property. It will subsequently outline the grounds for, authorization procedures, and appeals process relating to expulsions and suspensions.

**Applicability:**

This policy is applicable for all individuals on AMS owned or operated property, including but not limited to:

1. The AMS Student Nest;
2. AMS-run events;
3. Spaces leased by the AMS; and
4. Constituency spaces (Engineering Student Center, Abdul Ladha, etc.).

**Exclusions:**

All cases requesting the expulsion/suspension of an employee of the Society shall be handled in accordance with the AMS's HR policies.

## Definitions:

1. Premises: AMS owned or operated spaces including but not limited to the AMS Student Nest, Constituency Spaces and AMS-run events.
2. Suspension: A temporary removal of an individual from the Premises.
3. Expulsion: A permanent ban of an individual from the Premises.
4. Unauthorized acts: Acts not authorized by the AMS. For authorization, interested members must appeal to the VP Administration.
5. Unlawful Activities:
  - a. theft;
  - b. consumption of illegal drugs;
  - c. consumption of alcohol outside of licensed areas;
  - d. unauthorized gambling;
  - e. vandalism or graffiti;
  - f. trespassing;
  - g. public indecency;
  - h. harassment and/or assault of any form (verbal, physical, or sexual); and any acts in contravention with municipal by-laws, provincial or federal law.
6. Nuisance Activities including but not limited to the following:
  - a. Accessing restricted areas of the Premises without authorization, including remaining inside after the building closes;
  - b. Unauthorized removal, relocation, damage or destruction of AMS property;
  - c. Unauthorized storage of personal items anywhere on the Premises;
  - d. Unauthorized accessing of waste materials;
  - e. Bringing animals onto the Premises without prior authorization, except for service animals for persons with disabilities;
  - f. Not wearing footwear on the Premises;
  - g. Unauthorized posting of materials on the Premises in areas other than public bulletin boards;
  - h. Unauthorized solicitation or selling of items or services on the Premises;
  - i. Viewing or displaying graphic material including but not limited to pornography and gore on the Premises;
  - j. Using devices that present damage to the flooring including but not limited to rollerblades or skateboards;
  - k. Smoking inside a non-smoking space as defined by [UBC's Policy 15](#), and;
  - l. Violation of the AMS [respectful environment policy](#).

## **Preamble:**

This policy covers a broad scope of issues - from serious safety concerns to damages to the premises to public nuisances. These are not intended to be treated equally. This policy is intended to be exercised *within reason* to ensure the AMS is able to deliver our services effectively to all students.

Scoping is critical in the implementation of this policy, as it is not possible to list every possible infraction below. The AMS's mission statement is "to improve the quality of the educational, social, and personal lives of the students of UBC", and this must be considered first and foremost when examining potential suspensions and expulsions.

### **A. Grounds for Expulsions & Suspensions**

1. Expulsions are permanent.
2. Suspensions from the Premises must be scoped to the situation; this means the specific location and length of suspension may be modified to fit the grounds. Suspensions may be authorized for up to one year with review after that time.
3. The maximum response is dependent on the persons affiliation to the AMS, and the offence. In the case that:
  - A non-member commits an unlawful activity:
    - The non-member can be expelled.
  - A non-member commits a nuisance activity:
    - The non-member can be suspended.
  - A non-member commits repeated nuisance events:
    - The non-member can be expelled.
  - A member commits an unlawful activity:
    - The member can be expelled, if the activity is found to cause harm or have potential to cause harm to any member of the Society.
  - A member commits a nuisance activity or repeated nuisance activities:
    - The member can be suspended.

### **C. Limitations**

1. This policy does not revoke or impact membership in the Society.
2. This policy may not prevent an active member of the Society from accessing the Services of the AMS. In the case of all suspensions and expulsions from

the Premises, members retain the right to access Services upon request and accommodations must be made to ensure this is feasible.

3. Notwithstanding anything to the contrary in this Policy, any decision with respect to the discipline of active members of the Society shall be dealt with in accordance with the AMS Code and AMS Bylaws.

#### D. Authorization

1. Operations Committee is the primary authorizing body.
2. The Senior Manager of Operations, Building Operations Manager, Assistant Building Operations Manager, Duty Manager, or AMS-contracted security services may authorize a suspension from the Premises until the following full business day in the case of:
  - a. Suspicion of unlawful activity;
  - b. Violation of the nuisance activities described above.
3. With strong indication of Unlawful Activities, or with evidence that the individual may pose a danger to the UBC community, the VP Administration may authorize a suspension from the Premises for up to 15 days during the school year and up to 30 days during the summer, or until the next quorate Operations Committee meeting with the Senior HR Manager, whichever occurs first.
4. The Operations Committee may authorize a suspension from the Premises up to a maximum of one year. Cases must be reviewed before the time of their expiry.
5. Expulsions must be authorized by both the Operations Committee and the Executive Committee.

#### E. Procedures

1. Information relating to the identities of those involved in an investigation is considered privileged and is to be treated with confidentiality at all times.
  - a. Those charged with enforcing a suspension/expulsion shall be given the minimum information required for the enforcement.
  - b. Operations Committee shall not be aware of the identity of related individuals when reviewing requests for suspension/expulsion.
  - c. Documentation of the incident will be kept on file by the Archivist for 7 years after the expiration of the suspension period.
2. Request for Suspension/Expulsion
  - a. All requests for suspension/expulsion from the Premises shall be referred to the Managing Director for investigation;

- b. Once the investigation is complete, a confidential report containing all evidence received must be submitted to the Operations Committee alongside a recommended course of action;
  - c. A request for suspension/expulsion for nuisance activity may only be made according to the following Stages of Incidents:
    - i. Verbal Warning – AMS staff must issue a verbal warning upon first occurrence of the infraction. Following the verbal warning, the staff member who gave the warning must submit to the Managing Director and the VP Administration a written account of the incident;
    - ii. Written Warning – AMS staff must issue a written warning to the subject patron upon second occurrence of the infraction cautioning against further offence and providing written reasons for any proposed suspension or expulsion from the Premises. The written warning must also provide the subject patron with an opportunity to respond to and make representations with respect to the infraction. A copy of the Written Warning must also be submitted to the Senior Manager of Operations and the VP Administration;
    - iii. Request for Suspension/Expulsion – A written request must be made to the authorizing body;
    - iv. Letter of Prohibition of Entry – A written notice including the scope, timeline and appeals process shall be given to the individual.
3. A request for suspension/expulsion for criminal activity may be submitted upon the first occurrence of the infraction.
4. Verdicts
- a. All suspensions/expulsions, with the exception of one-day suspensions, require a notice of prohibition of entry;
  - b. Files will be kept with Human Resources;
  - c. Copy of the notice will go to the Duty Manager, and will not be shared with any members other than the complainant.
5. Appeals
- a. Requests for appeals shall be made to the VP Administration and include the new evidence upon which the appeal is founded;
  - b. The Operations Committee shall hear appeals regarding a past response to a request for suspension/expulsion from the Premises;
  - c. Subsequent appeals will only be heard if there is new evidence.
6. All templates, additional procedures, and definitions are outlined in the Operations Committee Handbook.

**Consultations:**

The following groups have been consulted during the development of this policy: Operations Committee, AMS Human Resources, Building Operations, AMS Executive, SASC, Student Services Manager, Council, the Managing Director, Archivist & Clerk of Council, and Legal Counsel.

**History:**

This Policy was first created in August of 2006 and later revised in February of 2012. It was modified in January 2017 to replace references to SAC with references to Operations Committee. It was further revised in November 2017 to relocate it from the Operations Committee Handbook. After its approval in February 2018, concerns were raised and the Operations Committee conducted an in-depth review of the policy.

**Related Policies:**

Respectful Environment Policy  
Health and Safety Policy