

**Number & Title:**

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

**Effective Date:** March 26th, 2020

**Approved Date:** March 25th, 2020

**Policy Type:**

Internal Policy

**Review Date:**

This Policy shall be reviewed every five (5) years.

**Responsible Body**

Operations Committee

**Authority**

AMS Bylaw 5, Section 1(f)

**Intent**

The AMS requires reasonable behavior on its property and at its events in order to ensure a safe and secure environment for all. This policy will be interpreted in accordance with the AMS mission statement “to improve the quality of the educational, social, and personal lives of the students of UBC”.

This policy sets out those Prohibited Acts which will result in the Suspension or Expulsion of a person from AMS Premises.

This policy also sets out how Suspensions and Expulsions will occur.

**Applicability**

This policy applies to all persons on AMS Premises.

This policy should be read in conjunction with AMS Human Resources policies, including

without limitation Policies I-17 and I-18. Sanctions under any other policy, including without limitation Policies I-17 and I-18, may also include Suspension or Expulsion from AMS Premises and may be imposed independently of or in addition to sanctions under this policy.

Incidents involving AMS Personnel shall be dealt with in accordance with AMS' Human Resources Policies.

## **Definitions**

- 1) **Premises** means real property owned or occupied by AMS including without limitation a physical space used by AMS. Premises includes without limitation:
  - a) The AMS Student Nest Building;
  - b) AMS run areas in the UBC LIFE Building;
  - c) AMS run events, including events run by AMS subsidiary groups;
  - d) Spaces leased by the AMS;
  - e) Permanent or leased club and constituency spaces outside of the AMS Student Nest;
  - f) Spaces and real property occupied or operated by AMS Services; and
  - g) Vehicles owned or operated by the AMS.
- 2) **AMS Personnel** means a staff member of the AMS. This includes all employees, volunteers and contractors.
- 3) **AMS Service** means student services that the AMS provides to its members as defined by the AMS Code of Procedure, Section X.
- 4) **Expulsion** means a permanent prohibition of a person from attending on the Premises.
- 5) **Suspension** means a prohibition of a person from attending on the Premises for a fixed period of time.
- 6) **Temporary Suspension** means a short term provisional Suspension put in place while AMS investigates the Prohibited Acts and determines the appropriate sanction under this policy.

- 7) **Licensed Establishment** means a liquor primary or food primary that is licensed to serve alcohol and is operated by the AMS.
- 8) **BarWatch** means the program through which licensed establishments in Metro Vancouver share information with each other pertaining to banned individuals.
- 9) **Authorization** means permission under an express terms of AMS policies or by-laws or the prior approval of the AMS Vice President Administration.
- 10) **Prohibited Acts** means an action that AMS has deemed unreasonable, unsafe or inappropriate and which will result in a Suspension or Expulsion from AMS premises. Prohibited Acts fall into two categories: serious (which will usually result in Expulsion); and inappropriate (which will usually result in Suspension).
- a) Serious Prohibited Acts include:
- i) theft;
  - ii) use, possession, cultivation, manufacture, offering for sale, sale, or distribution of illegal drugs;
  - iii) smoking or vaping outside of designated areas, or other infractions of UBC Policy 15: Smoking and Smoking Product Promotion on Campus;
  - iv) consumption of alcohol or cannabis outside an area expressly designated for that purpose;
  - v) unauthorized gambling;
  - vi) vandalism, graffiti, or otherwise harming AMS property or the property of others located on AMS Premises;
  - vii) tampering with emergency systems or equipment;
  - viii) unauthorized entry into a restricted area, including without limitation:
    - (1) AMS Premises outside hours of operation;
    - (2) Areas where access is controlled by a security mechanism such as keycard reader

or lock;

(3) Areas where municipal bylaws, or provincial or federal law, prohibit public access.

ix) public indecency; and

x) serious violations of the AMS Code, the AMS Bylaws, or other AMS policies and procedures.

b) Inappropriate Prohibited Acts include:

i) unauthorized removal, relocation, damage or destruction of AMS property;

ii) unauthorized storage of personal items on AMS Premises;

iii) creating or leaving a mess on the AMS Premises;

iv) bringing animals onto AMS Premises without prior authorization, except for service animals;

v) not wearing footwear on AMS Premises;

vi) unauthorized posting of materials on AMS Premises in areas other than public bulletin boards;

vii) unauthorized solicitation, offering for sale, or sale of items or services on AMS Premises;

viii) viewing or displaying graphic material including but not limited to pornography and gore on AMS Premises;

ix) engaging in activities that may harm structures on AMS Premises, such as the use of skateboards or rollerblades which harm floors;

x) unauthorized sale of food or drink on AMS Premises; and

xi) less serious violations of the AMS Code, the AMS Bylaws, or other AMS policies and procedures.

## Suspensions and Expulsions

The AMS will consider the full factual context and will strive for proportionality when making a decision about Suspensions and Expulsions. The following key concepts will apply:

- a) Expulsions are permanent. They do not expire.
- b) Suspensions are for a maximum of one year, and usually no less than 15 days.
- c) Suspensions and Expulsions may be for all AMS Premises or for specific areas within AMS Premises.

The maximum Suspensions or Expulsions are as follows:

Inappropriate Prohibited Acts	Inappropriate Prohibited Acts (Multiple Infractions)	Serious Prohibited Act	Serious Prohibited Act (Multiple Infractions)
Suspension	Expulsion	Expulsion	Expulsion

## Limitations

- a) A Suspension or Expulsion under this policy does not revoke or otherwise impact membership in the AMS.
- b) A Suspension or Expulsion under this policy does not prohibit an active AMS member from utilizing AMS Services - it only prohibits AMS members from attending on AMS Premises. The AMS will make accommodations in accordance with the processes set out in this policy and where reasonably possible to allow an AMS member that is suspended or expelled to access AMS services while not attending on AMS Premises.
- c) Notwithstanding anything to the contrary in this policy, any decision with respect to the discipline of active members of the AMS shall be dealt with in accordance with the AMS Code and AMS Bylaws.

## Imposition of Suspensions Without Investigation

- a) A Temporary Suspension may be imposed without an investigation by: the Vice President Administration; Managing Director; Building Operations Manager; Assistant

Building Operations Manager; Duty Manager; or AMS-contracted security services. A Temporary Suspension should be imposed for no more than 48 hours during which AMS may investigate the Prohibited Acts and determine an appropriate sanction, if any, under this policy.

- b) A Suspension may be imposed without an investigation by the Vice President Administration, or in their absence, the President or Managing Director for the lesser of: [i] up to 30 days during the months of May, June, July, August and December and up to 15 days in other months; and [ii] up to the date of the next quorate meeting of the Operations Committee, where:
  - i) There is clear evidence that a person has engaged in the Prohibited Acts;
  - ii) The person who engaged in the Prohibited Acts poses a danger or threat to the UBC community; or
  - iii) The person who engaged in the Prohibited Acts has already been issued a warning in accordance with this policy.
- c) A Suspension from the Premises of an AMS Service may be imposed without an investigation by the Senior Manager of Student Services for up to one month where:
  - i) The person who engaged in the Prohibited Acts poses a threat to AMS Personnel, AMS property, or has breached the AMS Code, AMS Bylaws, or other AMS policies or instructions; or
  - ii) The person who engaged in the Prohibited Acts has already been issued a warning in accordance with this policy.

After imposing a Suspension under this section, the Senior Manager of Student Services will advise in writing the Vice President Administration, the Ombudsperson, and the Managing Director of that Suspension.

- d) A Suspension may be imposed without an investigation by the Senior Manager of Food and Beverage for up to one month from one or more Licensed Establishments where:
  - i) The person who engaged in the Prohibited Acts poses a threat to AMS Personnel,

AMS property, or has actively ignored AMS policies or instructions;

- ii) The person who engaged in the Prohibited Acts has already been issued a warning in accordance with this policy; or

After imposing a Suspension under this section, the Senior Manager of Food and Beverage will advise in writing the Vice President Administration, the Ombudsperson, and the Managing Director of that Suspension.

The Senior Manager of Food and Beverage may also authorize a placement on BarWatch of up to one month.

- e) The Operations Committee may extend a Suspension, or issue an Expulsion based on a Suspension issued by the Vice President Administration, the Senior Manager of Student Services, or the Senior Manager of Food and Beverage upon resolution and following an investigation.

#### **Imposition of All Other Suspensions and Expulsions**

- a) Excluding Suspensions authorized in the prior section, all other Suspensions or Expulsions shall be imposed only after investigation. The AMS Ombudsperson shall be responsible for investigations, or when in a conflict of interest, the Operations Committee shall assign an investigator.
- b) Prior to seeking a Suspension or Expulsion, AMS Personnel must issue a warning. A warning will consist of:
  - i) a verbal explanation of the Prohibited Act(s) under this policy;
  - ii) a written explanation of the Prohibited Act(s) under this policy;
  - iii) a warning of potential Suspension or Expulsion if the Prohibited Act(s) is repeated;  
and
  - iv) instructions on how to contact the AMS Ombudsperson should the person being warned wish to challenge the validity of the warning.

A copy of the warning must be submitted to: [a] the AMS Ombudsperson; [b] the

Managing Director; and [c] the Vice President Administration.

- c) Where an AMS Personnel believes Suspension or Expulsion is warranted, the AMS Personnel will provide a written request for Suspension or Expulsion to the AMS Ombudsperson, with a copy to the Operations Committee. The request will consist of:
  - i) a detailed account of the Prohibited Act(s) under this policy;
  - ii) all relevant evidence and correspondence related to the Prohibited Act(s) under this policy;
  - iii) the contact information of the AMS Personnel who submitted the request; and
  - iv) the requested sanction - ie. Suspension or Expulsion, and if Suspension, the length of same.
  
- d) If following an investigation the Investigator finds that a sanction is appropriate, and the Operations Committee approves a sanction, the Operations Committee will provide a Letter of Prohibition of Entry to the person who engaged in the Prohibited Act(s). The Letter of Prohibition of Entry will contain:
  - i) details of the Prohibited Act(s) and such other details as may be required by Provincial and Federal Law;
  - ii) a summary of the decision of the Operations Committee and its reasons for same;
  - iii) the consequences of the Suspension or Expulsion, including the length of any Suspension imposed;
  - iv) an outline of this policy's review process and relevant contact information;
  - v) the contact information for the Ombudsperson as well as relevant procedures if the person who engaged in the Prohibited Act(s) wishes to access AMS' Services; and
  - vi) the signatures of the Vice President Administration, and another signing officer of the AMS.



## Investigations

- a) Investigators will maintain confidentiality, except where disclosure is necessary for the purpose of investigating the Prohibited Acts or taking responsive measures thereto, or is authorized or required by law.
- b) Information collected during an investigation is subject to the AMS' Privacy Policy. Individuals to whom personal information is likely to be disclosed in an investigation are:
  - i) The Vice President Administration;
  - ii) The Managing Director;
  - iii) Members of the Operations Committee; and
  - iv) The AMS Ombudsperson.
- c) Once complete, the investigator will submit a report to the Operations Committee as well as a recommended sanction, if applicable.
- d) The Operations Committee will also maintain confidentiality except where disclosure is necessary for the purpose of taking responsive measures or is authorized or required by law. The Operations Committee will:
  - i) Conduct all discussions in camera, with minutes and records to be held by the AMS Archivist;
  - ii) If an investigation involves a member of the Operations Committee, or an individual on that committee otherwise is in a conflict of interest, that individual shall declare the conflict and recuse themselves.
- e) A resolution to suspend or expel an individual must pass by at least a simple majority of the Operations Committee.
- f) Documentation on a Suspension or Expulsion will be kept with the Ombudsperson and the AMS's Human Resources department.
- g) The Archivist will keep records of a Suspension for seven years from the end of the

Suspension and will keep records of an Expulsion permanently.

### **Accessing AMS Services**

Active AMS members who have been suspended or expelled may access AMS Services as follows:

- a) The suspended or expelled active AMS member must submit to the Ombudsperson in writing a request to access an AMS Service.
- b) If the Ombudsperson is not available, the request must be submitted to the President, Vice President Administration, the Managing Director, and Senior Manager of Student Services.
- c) The request to access an AMS Service must be responded to, and where possible plans for a reasonable accommodation made within two business days of receiving the request.
- d) The Senior Manager of Student Services shall be made aware of the accommodation upon its creation, and make the necessary arrangements to ensure the member can access the relevant AMS Service.
- e) The AMS shall make all reasonable efforts to ensure that an active member may access AMS Services.

### **Notice of Prohibition of Entry**

- a) Suspensions or Expulsions, with the exception of Temporary Suspensions, require a Notice of Prohibition of Entry.
- b) The Operations Committee will provide a copy of the Notice of Prohibition of Entry to the Duty Manager, and to other AMS Personnel as required to ensure compliance with the Notice of Prohibition of Entry.

### **Review of Decision**

- a) A person may seek a review of their Suspension or Expulsion.
- b) There is no review of a Temporary Suspension.

c) Reviews are conducted as follows:

- i) Requests for review must be submitted to the Ombudsperson.
- ii) Requests for review should include: the grounds for the review (including any change of circumstances); evidence in support of the review; and whether an in person meeting with the Operations Committee is required.
- iii) The Ombudsperson will forward requests for a review to the Operations Committee, along with the original files.
- iv) The Operations Committee will review the request (including hearing the individual requesting the review, if applicable) and reach a decision, which will be delivered to the individual requesting the review.