



UNIVERSITY OF ALBERTA

UNIVERSITY GOVERNANCE

General Faculties Council
Campus Law Review Committee
Approved Open Session Minutes

Thursday, November 27, 2014
2-31 South Academic Building (SAB)
9:00 AM - 10:30 AM

ATTENDEES:

Voting Members:

Steven Penney	Chair, Academic Staff Elected from at-large, appointed by GFC Executive Committee
Monty Bal	Member, Representative of the Graduate Students' Association, appointed by the GSA Executive, Vice-President (Labour)
William Lau (Delegate)	Member, Representative of the Students' Union Executive, appointed by the SU Executive, Vice-President (Student Life)
Deborah Eerkes	Member, Discipline Officer, Office of Student Judicial Affairs
Robin Overall	Member, Interim Vice-Provost and Dean of Students
Elaine Geddes	Member, Academic Staff and Associate Dean (Categories A1.1, A1.5 or counterpart in A1.6) who is a current Associate Dean
Grace Berry (Delegate)	Member (Delegate), Acting Director, University of Alberta Protective Services
Brock Richardson	Member, Acting Director of Residence Services
Adrienne Wright	Member, Staff selected from Categories A1.0, A2.0 and/or B1.0

Presenter(s):

Deborah Eerkes	Director, Office of Student Judicial Affairs, University of Alberta
Steven Penney	Professor, Faculty of Law and Chair, GFC Campus Law Review Committee (CLRC), University of Alberta

Staff:

Andrea Patrick, Coordinator, GFC Campus Law Review Committee
Marion Haggarty-France, University Secretary

OPENING SESSION

1. Approval of the Agenda

Materials before members are contained in the official meeting file.

Presenter: Steven Penney, Professor, Faculty of Law and Chair, GFC Campus Law Review Committee

Motion: Overall/Lau

THAT the GFC Campus Law Review Committee approve the Agenda.

CARRIED

2. Approval of the Open Session Minutes of August 28, 2014

Materials before members are contained in the official meeting file.

Presenter: Steven Penney, Professor, Faculty of Law and Chair, GFC Campus Law Review Committee

Motion: Eerkes/Wright

THAT the GFC Campus Law Review Committee approve the Open Session Minutes of August 28, 2014.

CARRIED

3. Comments from the Chair

The Chair commented on a number of relevant items to members.

Ms Haggarty-France reported to members that the posting for the position of Director, General Faculties Council (GFC) Services and Secretary to GFC has been posted on the University's website, and invited members to consider potential applicants.

DISCUSSION ITEMS

4. Changes to Section 30.5.2(6) of the Code of Student Behaviour: Appeal of Declining to Proceed with a Complaint

Materials before members are contained in the official meeting file.

Presenter: Deborah Eerkes, Director, Office of Student Judicial Affairs

Purpose of the Proposal: To discuss the problems with the current appeal of a decision not to proceed with a complaint under the Code of Student Behavior (COSB) and to seek advice and feedback from GFC CLRC members on a potential solution.

Discussion:

Ms Eerkes provided members with a summary of this issue, adding that it is included on the Chart of Proposed Changes to Appeal Regulations for further consideration. She explained that Section 30.5.2(6): Appeal of Declining to Proceed with a Complaint in the Code of Student Behaviour (COSB) is currently problematic, although rarely utilized. She stated that although there is no urgency to develop a proposal to resolve the issue at this time, that it does remain a priority.

She provided members with a synopsis of the current problems within the relevant Sections of the COSB, including the references of Unit Directors, the lack of a clear definition of "decline to proceed with a complaint", the inclusion of a three person panel, and the current lack of authority granted to Discipline Officers in relation to laying charges or imposing sanctions. She reported that these amendments would not impact fairness, but the process would be clarified and carried out in an expeditious manner.

Ms Eerkes explained that this item was discussed at Academic Discipline Day and will be presented to Vice-Provost Council soon. She added that these issues have been discussed collaboratively with the Appeals and Compliance Officer as well as the Office of General Counsel, University of Alberta.

During the discussion in relation to this item, members expressed a number of comments and questions, including, but not limited to: clarification regarding whether this applies to academic or non-academic offenses; whether this includes the option to appeal; that the process could result in problems related to

instructors; support for these changes as they expedite the process within the COSB; clarification regarding the options to receive written reasons; that receiving written reasons is helpful; clarification regarding the number of times that this section of the COSB has been utilized; that the right of appeal affords individuals another step not currently available within the criminal justice system; that it makes sense for Discipline Officers to have the added authority and allows academic offenses to remain within Faculties; clarification regarding the procedural details of the singular case referenced in this discussion; whether these changes are based on only this singular instance; clarification surrounding the decision not to proceed; clarification that University of Alberta Protective Services (UAPS) investigates all complaints, regardless of type.

Ms Eerkes concluded that this item will return to the Committee following additional development and consultation.

5. Question Period

There were no questions.

INFORMATION REPORTS

6. Items Approved by the GFC Campus Law Review Committee by E-Mail Ballots

- Clarifying the Procedure for Handling Complaints of Research and Scholarship Misconduct Lodged Against Students – Proposed Changes to Sections 30.3.2(4) and 30.6.2(4) of the Code of Student Behaviour [via e-mail vote, October 27, 2014]

7. Information Items Forwarded to Committee Members Between Meetings

- GFC Campus Law Review Committee (CLRC): Notice of Email Vote [October 24, 2014]

CLOSING SESSION

8. Adjournment

The Chair adjourned the meeting at 9:30 a.m.