



UNIVERSITY OF ALBERTA

UNIVERSITY GOVERNANCE

General Faculties Council
Campus Law Review Committee
Approved Open Session Minutes

Thursday, January 28, 2016
2-31 South Academic Building (SAB)
9:30 AM - 11:00 AM

ATTENDEES:

Voting Members:

Steven Penney	Chair, Academic Staff Elected from at-large, appointed by GFC Executive Committee
Armand Birk	Member, Residences Representative, elected from and by the Council of Residence Associations
Deborah Eerkes	Member, Discipline Officer, Student Conduct and Accountability
Brent Epperson	Member (Delegate), Representative of the Student Ombudservice
Robin Everall	Member, Interim Vice-Provost and Dean of Students
Sarah Ficko	Member, Representative of the Graduate Students' Association, appointed by the GSA Executive, Vice-President (Labour)
Judith Garber	Member, Staff selected from Categories A1.0, A2.0 and/or B1.0
Elaine Geddes	Member, Academic Staff and Associate Dean (Categories A1.1, A1.5 or counterpart in A1.6) who is a current Associate Dean
Sarang Gumfekar	Member, Student-at-large (Graduate)
Vivian Kwan	Member, Representative of the Students' Union Executive, appointed by the SU Executive, Vice-President (Student Life)
Mackenzie Martin	Member, Student-at-large (Undergraduate)
Sarah Wolgemuth	Member, Assistant Dean of Students
Lori Thorlakson	Member, Academic Staff (A1.1, A1.5, or counterpart in A1.6 who is a former Associate Dean, or former Discipline Officer, or former UAB Chair
Adrienne Wright	Member, Staff selected from Categories A1.0, A2.0 and/or B1.0

Non-Voting Members:

Meg Brolley	Member, Director, General Faculties Council Services and Secretary to GFC
Michael Peterson	Member, Appeals and Compliance Officer, Resource

Presenter(s):

Deborah Eerkes	Director, Student Conduct and Accountability
Steven Penney	Professor, Faculty of Law and Chair, GFC Campus Law Review Committee
Michael Peterson	Appeals and Compliance Officer, University Governance

Staff:

Andrea Patrick, Coordinator, GFC Campus Law Review Committee

OPENING SESSION

1. Approval of 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: Everall/Geddes

THAT the GFC Campus Law Review Committee approve the Agenda.

CARRIED

2. Approval of the Open Session Minutes of September 24, 2015

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/Everall

THAT the GFC Campus Law Review Committee approve the Minutes of September 24, 2015.

CARRIED

3. Comments from the Chair

The Chair welcomed new members to the meeting, and invited all to introduce themselves.

ACTION ITEMS

4. Proposed Changes to the Code of Student Behaviour: Authority to Act on Bribery Complaints Related to Gaining Academic Advantage

Materials before members are contained in the official meeting file.

Presenter: Deborah Eerkes, Director, Student Conduct and Accountability

Purpose of the Proposal: To update the Code of Student Behaviour to make explicit that instructors and deans can act when an allegation of bribery related to gaining academic advantage is raised.

Discussion:

Ms Eerkes explained that at the time bribery related to gaining academic advantage was added to the Code of Student Behaviour (COSB) in 2007, the authority of deans and associate deans to handle these matters was not included within the addition. She reported that this proposal accurately reflects current practices within Faculties, as deans and associate deans are the individuals handling such matters.

A member expressed appreciation for this proposal, as it clearly defines this role.

There was no further discussion.

Motion: Eerkes/Geddes

THAT the GFC Campus Law Review Committee, under delegated authority from GFC, approve the proposed changes to Sections 30.5.4(1) and 30.5.7(1) of the Code of Student Behaviour, as proposed by Student Conduct and Accountability, and as outlined in Attachment 1, to take effect on February 3, 2016.

CARRIED

5. Proposed Revisions to the Code of Student Behaviour: Office of Student Judicial Affairs Name Change

Materials before members are contained in the official meeting file.

Presenter: Deborah Eerkes, Director, Student Conduct and Accountability

Purpose of the Proposal: To update the Code of Student Behaviour to reflect the new name of Student Conduct and Accountability.

Discussion:

Ms Eerkes announced that the Office of Student Judicial Affairs has changed its name to Student Conduct and Accountability, to reflect the preventative and educational activities undertaken by the office.

Members engaged in a lengthy discussion in regards to the name change, with members expressing concerns that the new name is not descriptive enough in nature, and that students may not recognize it a central, single unit unless "The Office of" is added as a prefix to the new name. A member added that the new name seems to convey a concept, not a unit. Another member suggested keeping the old name on the unit website, so that members of the community can identify the office under its new name. A member asked whether the Provost and Vice-President (Academic) had provided input into the name change.

Members discussed the usage of an acronym to clearly identify the Unit.

The Chair pointed out that this perhaps follows a recent trend in naming, and that units and offices should be identified as such, to mitigate confusion. He encouraged Ms Eerkes to consider member commentary on this issue.

In addition, he provided clarity to members that the Motions attached to this item were not to approve the name change, but rather, to approve the editorial revisions to the Code of Student Behaviour to reflect the name change.

Motion I: Eerkes/Everall

THAT the GFC Campus Law Review Committee approve, under delegated authority from GFC, proposed changes to Sections 30.2.16 and 30.2.16(1) of the Code of Student Behaviour, as proposed by Student Conduct and Accountability, and as contained within Attachment 1, to be effective February 3, 2016. CARRIED
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Motion II: Eerkes/Everall

THAT the GFC Campus Law Review Committee recommend to the GFC Executive Committee, proposed changes to Sections 30.6.4 and 30.6.4(13) of the Code of Student Behaviour, as proposed by Student Conduct and Accountability, and as contained within Attachment 1, to be effective upon final approval. CARRIED

DISCUSSION ITEMS

6. Office of Student Judicial Affairs 2014/15 Annual Report and Statistics

Materials before members are contained in the official meeting file.

Presenter: Deborah Eerkes, Director, Student Conduct and Accountability

Purpose of the Proposal: To provide GFC CLRC with the annual report and statistics of the Office of Student Judicial Affairs (OSJA) for the 2014/15 academic year.

Discussion:

Ms Eerkes provided members with key points from the Annual Report, noting that between the period of July 1, 2014-June 30, 2015, Discipline Officers rendered 44 discipline decisions, resulting in various sanctions ranging from expulsions to orders of restitution. She noted that there were more serious cases as reflected by the numbers of expulsions and suspensions, and that there have been more non-academic matters than academic.

Ms Eerkes acknowledged that there were more cases with Ombuds or lawyer involvement; this led to an increase amount of time spent per case. She reported that a typical case can take approximately ten hours, and the more complicated ones can be up to 100 hours.

Ms Eerkes reported that the restorative justice model at the residences seems to be providing more resolutions which do not end up at her office. She also noted a drop in alcohol-fueled misconduct. In addition, she reported that the academic integrity videos produced by her office have received more than 40,000 views online, and that they are being used as tools by other institutions both nationally and internationally.

Members, during the discussion surrounding this Report, expressed several questions and comments, including clarification related to Breaches of Rules External to the Code; the definition of "exclusion"; whether the University still proceeds with a case if it is dismissed in criminal court; clarification surrounding the four academic integrity statements.

Ms Eerkes acknowledged her office's response to increased awareness of sexual assault reporting on campus.

Members then discussed international students in relation to the Report. Specifically, a member noted that international students may be more prone to harassment. A member added that in most cases within her Faculty, the harassment occurs between international students

A member sought clarification in regards to the status of the Review of the University of Alberta's Response to Sexual Assault, and Ms Eerkes noted that it would be brought forward for discussion at the next meeting of GFC CLRC.

The Chair thanked Ms Eerkes for a well written Report.

7. Annual Report of the Appeals and Compliance Officer (2014-2015)

Materials before members are contained in the official meeting file.

Presenter: Michael Peterson, Appeals and Compliance Officer, University Governance

Purpose of the Proposal: To provide the GFC Campus Law Review Committee an annual report of Discipline and Appeal Statistics, as mandated by GFC policy.

Discussion:

Mr Peterson provided an overview of his role as Appeals and Compliance Officer, adding that in this capacity, he is a neutral party who facilitates and administers the appeal process from the time an appeal is received to the end of the hearing and the distribution of the written decision. He explained that he oversees the

University's appeal system to ensure that it is an administratively fair process including the training of panel members on the process.

He reported that the University-level appeal system is comprised of three bodies: the University Appeal Board (UAB), the GFC Academic Appeals Committee (GFC AAC) and the GFC Practice Review Board (GFC PRB) and that these appeal processes are the final level of appeal, subject to judicial review. He stated that the process contains written information, written arguments, and a hearing, and is set up to ensure that everyone in the process has a chance to be heard.

He reported that panel members are trained in administrative fairness and process, as well as applicable policy frameworks. He noted that these members work long hours, make a lot of tough decisions and that their dedicated service to the academic community is valued.

Mr Peterson stated that the Report reflects a yearly increase in the number of appeals received over the last five years and that the two main offenses are plagiarism and cheating. He also reported that there has been an increase in non-academic appeals, as well, both in numbers as well as complexity. He added that although legal representation is not the norm at this point, it is increasing, especially in cases where suspensions or expulsions are involved; he further noted that these cases take longer to handle. He acknowledged that the recent addition of an Administrative Assistant to work with the appeals has been very beneficial, as well as the ongoing support of the University Secretary.

In response to a discussion in regards to the increasing involvement of lawyers in this process, Mr Peterson clarified that the majority of appeals are academic offense appeals and do not include lawyers.

He also provided a detailed description of the training he provides volunteers in their capacity as panel members and Chairs, adding that his background in Law and ongoing consultation with the Office of General Counsel have resulted in targeted training sessions for members on such issues as administrative fairness. He added that he is at every hearing and that he works closely with the Chairs to ensure that fair process is being followed. He stated that development of additional training opportunities for members is ongoing.

In response to a member's commendation on the positive shift within University-level appeals since his arrival in the role, Mr Peterson stated that decisions made at this level can be judicially reviewed, and that the courts have, so far, upheld the University's processes.

Following a question in relation to process and panel membership, Mr Peterson affirmed that potential members are vetted by the GFC Nominating Committee, GFC, and by personal interview, and he emphasized that he is always honest about the time commitment. In response to a question, he explained that so far, no members have dropped out of the process during an appeal hearing.

A member suggested that the Report next year include the time members commit towards these activities, as well as the number of hours per case.

In relation to this, a member stated that for institutional reputation and good governance, administrative fairness should take precedence over time issues. He noted, as well, that other institutions have questioned the complexity of the University's highest level of appeal, but stated that he supports the processes in place. He acknowledged that the trend might be to slow things down.

Mr Peterson explained that the core process is not complex; it is made up of an appeal, a response and hearing. He noted that the appeal is not a courtroom and that the process includes full disclosure, adding that things become complicated if the process is not followed or if issues are raised by the parties. In addition, he emphasized that the Code and fairness must be followed, and that the process is not an open-ended one. He explained that the Chairs will set deadlines when appropriate.

Members discussed the length of time within Faculty appeal processes, as well as University-level appeals, in terms of faculty member and student impact. It was noted that these processes exist out of consideration for all involved, including students, instructors and witnesses. A member reported that there has been discussion about establishing a Provincial level appeal system, and that the University of Alberta should be proud of the current system.

Mr Peterson explained that final appeals are very important in terms of closure, and for fairly addressing appeal issues, given the consequences for all involved.

Following this, members discussed the benefits of tracking annual data in relation to legal representation in appeals, as well as the need for a more consolidated approach towards oversight of the system as a whole. The Chair suggested that coordination, led by one individual or office, may be beneficial. In response, Mr Peterson reported that although the trend of involving lawyers is increasing, it is because of the types of appeals coming forward but that when lawyers are involved, it is completely time consuming. He explained that the Office of General Counsel is very helpful in terms of providing consistent principles among all involved.

The Chair thanked Mr Peterson for his presentation.

8. Question Period

There were no questions.

INFORMATION REPORTS

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

There were no items.

10. Information Items Forwarded to Committee Members Between Meetings

There were no items.

CLOSING SESSION

11. Adjournment

The Chair adjourned the meeting at 10:35 a.m.