



GFC Campus Law Review Committee (CLRC)

Approved Motions

The following Motions and attendant Final (and Recommended) Documents were approved by the GFC Campus Law Review Committee (CLRC) at the meeting of Thursday, November 24, 2011:

Agenda Title: **Proposed Changes to Section 30.3.1(3) of the Code of Student Behaviour (COSB) to Accommodate the Current Residence Community Standards**

MOTION: THAT GFC Campus Law Review Committee, acting under delegated authority from General Faculties Council, approve the proposed change to Section 30.3.1(3) of the Code of Student Behaviour relating to Residence discipline processes, as submitted by the Director of the Office of Student Judicial Affairs (OSJA) and as set forth in Attachment 1, to take effect upon final approval.

Final Document: [Item 4](#)

Agenda Title: **Inappropriate Behaviour Towards Individuals or Groups**

MOTION: THAT the GFC Campus Law Review Committee recommend to the GFC Executive Committee a proposal submitted by the Director of the Office of Student Judicial Affairs (OSJA) to revise the heading of Code of Student Behaviour Section 30.3.4 to “Inappropriate Behaviour Towards Individuals or Groups” along with the resulting revisions to Code Sections 30.5.2(2)e, 30.5.6(1) and 30.5.6(2), as set forth in Attachment 1, to take effect upon final approval.

Final Recommended Document: [Item 5](#)

OUTLINE OF ISSUE

Agenda Title: **Proposed Changes to Section 30.3.1(3) of the Code of Student Behaviour (COSB) to Accommodate the Current Residence Community Standards**

Motion: THAT GFC Campus Law Review Committee, acting under delegated authority from General Faculties Council, approve the proposed change to Section 30.3.1(3) of the Code of Student Behaviour relating to Residence discipline processes, as submitted by the Director of the Office of Student Judicial Affairs (OSJA) and as set forth in Attachment 1, to take effect upon final approval.

Item

Action Requested	<input checked="" type="checkbox"/> Approval <input type="checkbox"/> Recommendation <input type="checkbox"/> Discussion/Advice <input type="checkbox"/> Information
Proposed by	Deborah Eerkes, Director, Office of Student Judicial Affairs (OSJA)
Presenter	Deborah Eerkes, Director, Office of Student Judicial Affairs (OSJA)
Subject	Proposed changes to Section 30.3.1(3) of the Code of Student Behaviour (COSB) to accommodate the current Residence Community Standards

Details

Responsibility	Provost and Vice-President (Academic)
The Purpose of the Proposal is (please be specific)	To ensure the COSB is current with regards to changes to the Residence Community Standards.
The Impact of the Proposal is	Updates the COSB.
Replaces/Revises (eg, policies, resolutions)	COSB Section 30.3.1(3).
Timeline/Implementation Date	Upon final approval.
Estimated Cost	None.
Sources of Funding	N/A
Notes	N/A

Alignment/Compliance

Alignment with Guiding Documents	<i>Dare to Discover Values:</i> to provide an intellectually superior educational environment; integrity, fairness, and principles of ethical conduct built on the foundation of academic freedom, open inquiry, and the pursuit of truth. <i>Dare to Deliver.</i>
Compliance with Legislation, Policy and/or Procedure Relevant to the Proposal (please <u>quote</u> legislation and include identifying section numbers)	<ol style="list-style-type: none"> Post Secondary Learning Act (PSLA): The <i>Post-Secondary Learning Act (PSLA)</i> gives GFC responsibility, subject to the authority of the Board of Governors, over academic affairs (Section 26(1)) and over academic affairs (Section 31), including authority concerning student discipline. GFC Campus Law Review Committee (CLRC) Terms of Reference–Section 1 (Authority): “GFC has thus established a Campus Law Review Committee (GFC CLRC)” GFC Campus Law Review Committee (CLRC) Terms of Reference–Section 3(a) (Mandate of the Committee–Code of Student Behavior): “1. To review, from time to time, the Code of Student Behavior and student discipline procedures. 2. On delegated authority from GFC, to approve all editorial

	<p>amendments to the Code of Student Behaviour except editorial amendments to Section 30.6.</p> <p>3. Amendments to the Code of Student Behaviour deemed substantive by CLRC are forwarded to the GFC Executive Committee, which will decide whether or not it can act on behalf of GFC. (See <i>Amendment of the Code</i>, Section 30.7 of the GFC Policy Manual (Code of Student Behaviour).)”</p> <p>4. Code of Student Behaviour, <u>Amendment of the Code</u>–Section 30.7: [“]</p> <p>30.7.1 <u>Legislative Authority</u> General Faculties Council (GFC) and the Board of Governors may amend the Code in exercise of the authority vested in them by Section 31 of the <i>Post-Secondary Learning Act</i>. (CLRC 25 SEP 2003) (CLRC 29 OCT 2004 e-mail vote)</p> <p>30.7.2 <u>Editorial Amendments</u> 30.7.2(1) The Campus Law Review Committee (CLRC) decides which amendments are editorial. (CLRC 29 OCT 2004 e-mail vote) 30.7.2(2) On delegated authority from GFC, all editorial amendments will be approved by the Campus Law Review Committee (CLRC) except editorial amendments to Section 30.6. (CLRC 29 OCT 2004 e-mail vote) 30.7.2(3) All amendments to Section 30.6 will be forwarded to the GFC Executive Committee for approval. (CLRC 29 OCT 2004 e-mail vote)</p> <p>30.7.3 <u>Substantive Amendments</u> 30.7.3(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 29 OCT 2004 e-mail vote) 30.7.3(2) Only substantive changes to Section 30.6 proceed to the Board Educational Affairs Committee, which will decide whether or not it can act on behalf of the Board of Governors. (BEAC 11 JUNE 2004) 30.7.3(3) The Secretary to GFC must notify Students’ Union and the Graduate Students’ Association of all substantive changes to the Code (including Section 30.6) 15 Working Days before those changes are considered by GFC. The Students’ Union and the Graduate Students’ Association will be invited to contact their members so that the Students can access the changes on the World Wide Web via University Governance’s home page.”</p>
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Routing (Include meeting dates)

Consultative Route (parties who have seen the proposal and in what capacity)	Residence Services; General Counsel
Approval Route (Governance) (including meeting dates)	GFC Campus Law Review Committee (November 24, 2011) – for final approval
Final Approver	GFC Campus Law Review Committee

Attachments (each to be numbered 1 - <>)

1. Attachment 1 (page 1): Proposed Changes to Section 30.3.1(3) of the Code of Student Behaviour (COSB) to Accommodate the Current Residence Community Standards

Prepared by: Deborah Eerkes, Director, Office of Student Judicial Affairs, deerkes@ualberta.ca

Residence Community Standards

The Code of Student Behaviour still refers to the delegated authority of the discipline processes in Residence. Because these bodies - the Lister Discipline Committee, HUB Discipline Committee, etc. – no longer exist, the Code requires updating.

Current	Proposed	Reason
<p>30.3.1(3) All Students living in or attending at a University residence are subject to the Code, as well as to the rules, regulations and community standards of that residence and regulations in force including any amendments posted at the business office of the residence or in the areas affected. The authority given to the Director of Residence Services or delegate under 30.5.5 is not intended to supersede or undermine the authority of residence disciplinary bodies, including but not limited to the Lister, HUB and North Campus Residence Disciplinary Committees, established in accordance with the community standards of those residences. (CLRC 27 MAY 2004)</p>	<p>30.3.1(3) All Students living in or attending at a University residence are subject to the Code, as well as to the rules, regulations and community standards of that residence and regulations in force including any amendments posted at the business office of the residence or in the areas affected. The authority given to the Director of Residence Services or delegate under 30.5.5 is not intended to supersede or undermine the authority of <u>the University as landlord or the restorative processes under the Residence Community Standards.</u></p>	<p>The Community Standards no longer feature disciplinary boards. This change reflects the changes made to the Residence Community Standards and approved by the Board of Governors in February 2011.</p>

OUTLINE OF ISSUE

 Agenda Title: **Inappropriate Behaviour Towards Individuals or Groups**

Motion: THAT the GFC Campus Law Review Committee recommend to the GFC Executive Committee a proposal submitted by the Director of the Office of Student Judicial Affairs (OSJA) to revise the heading of Code of Student Behaviour Section 30.3.4 to “Inappropriate Behaviour Towards Individuals or Groups” along with the resulting revisions to Code Sections 30.5.2(2)e, 30.5.6(1) and 30.5.6(2), as set forth in Attachment 1, to take effect upon final approval.

Item

Action Requested	<input type="checkbox"/> Approval <input checked="" type="checkbox"/> Recommendation <input type="checkbox"/> Discussion/Advice <input type="checkbox"/> Information
Proposed by	Deborah Eerkes, Director, Office of Student Judicial Affairs (OSJA)
Presenter	Deborah Eerkes, Director, Office of Student Judicial Affairs (OSJA)
Subject	Inappropriate Behaviour Towards Individuals or Groups

Details

Responsibility	Provost and Vice-President (Academic)
The Purpose of the Proposal is (please be specific)	The University has encountered several cases in which students have been charged under the Code of Student Behaviour’s (COSB) Section 30.3.4 – <u>Inappropriate Behaviour Towards Members of the University Community</u> – in which the ‘victims’ were not actually Members of the University Community. The Code should focus on our students’ behaviour, not necessarily on who that behaviour is directed toward. In all cases, a tangible link to the University or University Activities must be made in order for COSB charges to apply.
The Impact of the Proposal is	To re-focus on the behaviour of our students rather than the target of that behaviour.
Replaces/Revises (eg, policies, resolutions)	COSB Sections 30.3.4 (heading only), 30.5.2(2)e, 30.5.6(1), and 30.5.6(2).
Timeline/Implementation Date	To take effect upon final approval.
Estimated Cost	None.
Sources of Funding	N/A
Notes	N/A

Alignment/Compliance

Alignment with Guiding Documents	<i>Dare to Discover Values:</i> to provide an intellectually superior educational environment; integrity, fairness, and principles of ethical conduct built on the foundation of academic freedom, open inquiry, and the pursuit of truth. <i>Dare to Deliver.</i>
Compliance with Legislation, Policy and/or Procedure Relevant to the Proposal (please <u>quote</u> legislation and include identifying section numbers)	<ol style="list-style-type: none"> Post Secondary Learning Act (PSLA): The <i>Post-Secondary Learning Act (PSLA)</i> gives GFC responsibility, subject to the authority of the Board of Governors, over academic affairs (Section 26(1)) and over academic affairs (Section 31), including authority concerning student discipline. GFC Campus Law Review Committee (CLRC) Terms of Reference–Section 1 (Authority): “GFC has thus established a Campus Law Review Committee (GFC CLRC)” GFC Campus Law Review Committee (CLRC) Terms of

	<p>Reference–Section 3(a) (Mandate of the Committee–Code of Student Behavior):</p> <p>“1. To review, from time to time, the Code of Student Behavior and student discipline procedures.</p> <p>2. On delegated authority from GFC, to approve all editorial amendments to the Code of Student Behaviour except editorial amendments to Section 30.6.</p> <p>3. Amendments to the Code of Student Behaviour deemed substantive by CLRC are forwarded to the GFC Executive Committee, which will decide whether or not it can act on behalf of GFC. (See <i>Amendment of the Code</i>, Section 30.7 of the GFC Policy Manual (Code of Student Behaviour).)”</p> <p>4. Code of Student Behaviour, <u>Amendment of the Code</u>–Section 30.7: [“]</p> <p>30.7.1 <u>Legislative Authority</u> General Faculties Council (GFC) and the Board of Governors may amend the Code in exercise of the authority vested in them by Section 31 of the <i>Post-Secondary Learning Act</i>. (CLRC 25 SEP 2003) (CLRC 29 OCT 2004 e-mail vote)</p> <p>30.7.2 <u>Editorial Amendments</u></p> <p>30.7.2(1) The Campus Law Review Committee (CLRC) decides which amendments are editorial. (CLRC 29 OCT 2004 e-mail vote)</p> <p>30.7.2(2) On delegated authority from GFC, all editorial amendments will be approved by the Campus Law Review Committee (CLRC) except editorial amendments to Section 30.6. (CLRC 29 OCT 2004 e-mail vote)</p> <p>30.7.2(3) All amendments to Section 30.6 will be forwarded to the GFC Executive Committee for approval. (CLRC 29 OCT 2004 e-mail vote)</p> <p>30.7.3 <u>Substantive Amendments</u></p> <p>30.7.3(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 29 OCT 2004 e-mail vote)</p> <p>30.7.3(2) Only substantive changes to Section 30.6 proceed to the Board Educational Affairs Committee, which will decide whether or not it can act on behalf of the Board of Governors. (BEAC 11 JUNE 2004)</p> <p>30.7.3(3) The Secretary to GFC must notify Students’ Union and the Graduate Students’ Association of all substantive changes to the Code (including Section 30.6) 15 Working Days before those changes are considered by GFC. The Students’ Union and the Graduate Students’ Association will be invited to contact their members so that the Students can access the changes on the World Wide Web via University Governance’s home page.</p>
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Routing (Include meeting dates)

Consultative Route (parties who have seen the	Student OmbudService; University General Counsel; University Governance; Residence Services; Dean of Students; University of
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proposal and in what capacity)	Alberta Protective Services (UAPS)
Approval Route (Governance) (including meeting dates)	GFC Campus Law Review Committee (November 24, 2011) – for recommendation; GFC Executive Committee (December 5, 2011) – for final approval
Final Approver	GFC Executive Committee

Attachments (each to be numbered 1 - <>)

1. Attachment 1 (pages 1 – 6): Proposed Changes to the Code of Student Behaviour Regarding Inappropriate Behaviour Towards Individuals or Groups

Prepared by: Deborah Eerkes, Director, Office of Student Judicial Affairs (OSJA), deerkes@ualberta.ca

Inappropriate Behaviour Toward Individuals or Groups

In the past year, three cases have come forward in which students who have committed inappropriate behaviour violations (e.g. violations of safety and dignity, harassment, etc) toward individuals who are not Members of the University Community. Currently the Code limits our ability to act on these cases to Inappropriate Behaviour Towards Members of the University Community. Reading the various sections under this heading gives the impression that the heading was never intended to limit the ability of UAPS or other decision-makers to act on complaints made by those who do not fall under the definition of University Community, provided the real and substantial link exists.

Current	Proposed	Rationale
<p>30.3.1 Application</p> <p>30.3.1(1) This Code applies to all conduct by a Student or by Students that has a real and substantial link to the University, University Activities, the University Community, or University-related Functions, whether or not the conduct occurred on or in relation to University property.</p>	No change	For information only
<p>30.3.4 Inappropriate Behaviour towards Members of the University Community</p> <p>30.3.4(1) Disruption</p> <p>30.3.4(1) a No Student shall disrupt a Class in such a way that interferes with the normal process of the session or the learning of other Students.</p> <p>30.3.4(1) b No Student shall, by action, words, written material, or by any means whatsoever, obstruct University Activities or University-related Functions.</p>	<p>30.3.4 Inappropriate Behaviour towards <u>Individuals or Groups</u></p> <p>No change</p>	<p>Allows the University to proceed with complaints of Inappropriate Behaviour when the target of that behaviour is not a Member of the University Community.</p> <p>Note that certain sections of 30.3.4 still limit the scope, either by stipulating that the target must be a member of the University Community or by specifying the location of an offence (e.g. a Class, a demonstration, a rally, etc.).</p> <p>In all cases, the decision-maker must establish the “real</p>

Current	Proposed	Rationale
<p>30.3.4(1) c No Student shall use words that incite others to behaviour that is inappropriate to members of the University Community, whether or not in connection with a demonstration, rally or picketing.</p> <p>30.3.4(2) Discrimination</p> <p>30.3.4(2) a No Student shall discriminate against any person or class of persons while participating in University Activities or University-related Functions.</p> <p>30.3.4(2) b “‘Discrimination’ is any act or omission based on race, religious beliefs, colour, gender, physical disability, mental disability, marital status, age, ancestry, place of origin, family status, source of income, sexual orientation or political belief when that act or omission results in loss of or limit on opportunities to work or to fully participate in campus life or which offends the dignity of the person. Discrimination draws distinctions between individuals based on irrelevant personal characteristics that result in disadvantage to some individuals that are not imposed on others. Discrimination may be one incident or a series of incidents. It may affect individuals or groups. It may take the form of denying an individual or group rights or privileges to which they are entitled.” See also the</p>	<p>No change</p>	<p>and substantial link to the University, University Activities, the University Community, or University-related Functions” as stipulated in 30.3.1(1).</p>

Current	Proposed	Rationale
<p>University of Alberta Discrimination and Harassment Policy § 44 GFC Policy Manual.</p> <p>30.3.4(3) Dissemination of Malicious Material No Student shall disseminate or cause to be disseminated malicious or defamatory material or engage in activity which creates a social or academic climate that hinders or prevents the full participation of another person or group in the life of the University.</p> <p>30.3.4(4) Retaliation No Student shall retaliate against any Complainant who has reported the Student for an offence under the Code or against any other person who has provided information, served as a witness or acted in an official capacity in a discipline process. (EXEC 07 JAN 2008)</p> <p>30.3.4(5) Unfounded Allegations No Student shall make any complaint against any other member of the University Community or cause any steps to be taken concerning any other member of the University Community unless the Student believes, on reasonable grounds, that the other member of the University Community has committed an offence under this Code or engaged in conduct warranting a complaint.</p> <p>30.3.4(6) Violations of</p>	<p>No change</p>	

Current	Proposed	Rationale
<p>take the form of denying an individual or a group rights or privileges to which they are entitled.” See also the University of Alberta Discrimination and Harassment Policy § 44 GFC Policy Manual.</p> <p>30.3.4(6) d. ii “Sexual Harassment” is defined as unsolicited, unwanted sexual advances; requests for or offers of sexual favours; unsolicited, unwanted verbal or physical conduct of a sexual nature; and unsolicited, unwanted written, oral or visual material of a sexual nature.</p> <p>30.3.4(6) e No Student shall use words which threaten violence or physical abuse to any group or individual whether or not the group or individual thus threatened knows of such threatening words and whether or not the words are employed in connection with a demonstration, rally or picketing.</p>		
<p>30.5.2(2) e Where the Complainant believes that a Student has committed an Inappropriate Behaviour towards Members of the University Community Offence [30.3.4, excluding Disruption] or an Other Offence [30.3.6], the Complainant should speak to University of Alberta Protective Services.</p>	<p>30.5.2(2) e Where the Complainant believes that a Student has committed an Inappropriate Behaviour towards <u>Individuals or Groups</u> Offence [30.3.4, excluding Disruption] or an Other Offence [30.3.6], the Complainant should speak to University of Alberta Protective Services.</p>	<p>Updates this section to the correct heading.</p>
<p>30.5.6(1) The following</p>	<p>30.5.6(1) The following</p>	<p>Updates this section to the</p>

Current	Proposed	Rationale
<p>procedures apply in cases respecting Inappropriate Behaviour towards Members of the University Community, excluding Disruption in Class [30.3.4(1)a], Inappropriate Use of University Property and Resources [30.3.5] and Other Offences [30.3.6].</p>	<p>procedures apply in cases respecting Inappropriate Behaviour towards <u>Individuals or Groups</u>, excluding Disruption in Class [30.3.4(1)a], Inappropriate Use of University Property and Resources [30.3.5] and Other Offences [30.3.6].</p>	<p>correct heading.</p>
<p>30.5.6(2) Violation Notice Procedures</p> <p>A member of UAPS may, because of the minor nature of the conduct in question or of its effects may issue and serve the Student with a Violation Notice in lieu of initiating any other proceedings to be initiated under this Code. Violation Notices may be issued for Inappropriate Behaviour towards Members of the University Community (excluding Disruption in Class [30.3.4(1)a], Discrimination [30.3.4(2)], sexual or physical contact with another person without that person’s consent [30.3.4(6)a] or harassment or sexual harassment [30.3.4(6)d]); Inappropriate Use of University Property and Resources [30.3.5] and Other Offences [30.3.6] excluding Alcohol Provision and Consumption [30.3.6(1)].</p>	<p>30.5.6(2) Violation Notice Procedures</p> <p>A member of UAPS may, because of the minor nature of the conduct in question or of its effects may issue and serve the Student with a Violation Notice in lieu of initiating any other proceedings to be initiated under this Code. Violation Notices may be issued for Inappropriate Behaviour towards <u>Individuals or Groups</u> (excluding Disruption in Class [30.3.4(1)a], Discrimination [30.3.4(2)], sexual or physical contact with another person without that person’s consent [30.3.4(6)a] or harassment or sexual harassment [30.3.4(6)d]); Inappropriate Use of University Property and Resources [30.3.5] and Other Offences [30.3.6] excluding Alcohol Provision and Consumption [30.3.6(1)].</p>	<p>Updates this section to the correct heading.</p>