



The following Motion and Document was considered by the GFC Campus Law Review Committee at its March 22, 2012 meeting:

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Agenda Title: **Offences Committed by Electronic Means**

APPROVED MOTION: THAT the GFC Campus Law Review Committee approve, under delegated authority from General Faculties Council, proposed revisions to Section 30.3.1 (Offences Under the Code/Application) of the Code of Student Behaviour, 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 Item: 4

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**OUTLINE OF ISSUE**

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**Motion:** THAT the GFC Campus Law Review Committee approve, under delegated authority from General Faculties Council, proposed revisions to Section 30.3.1 (Offences Under the Code/Application) of the Code of Student Behaviour, 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	Offences committed by electronic means

**Details**

Responsibility	Provost and Vice-President (Academic)
The Purpose of the Proposal is (please be specific)	To clarify how the Code of Student Behaviour applies to offences committed electronically.
The Impact of the Proposal is	Clarifies current practice.
Replaces/Revises (eg, policies, resolutions)	Section 30.3.1 (Offences Under the Code/Application) of the Code of Student Behaviour.
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</i> Values: 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 quote legislation and include identifying section numbers)	<ol style="list-style-type: none"> <li><b>Post-Secondary Learning Act (PSLA):</b> 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.</li> <li><b>GFC Campus Law Review Committee (CLRC) Terms of Reference–Section 1 (Authority):</b> “GFC has thus established a Campus Law Review Committee (GFC CLRC) ...”</li> <li><b>GFC Campus Law Review Committee (CLRC) Terms of Reference–Section 3(a) (Mandate of the Committee–Code of Student Behavior):</b> <ol style="list-style-type: none"> <li>To review, from time to time, the Code of Student Behavior and student discipline procedures.</li> <li>On delegated authority from GFC, to approve all editorial amendments to the Code of Student Behaviour except editorial amendments to Section 30.6.</li> <li>Amendments to the Code of Student Behaviour deemed substantive by CLRC are forwarded to the GFC Executive</li> </ol> </li> </ol>

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	<p>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. <b>Code of Student Behaviour, <u>Amendment of the Code</u>–Section 30.7: [“]</b></p> <p><b>30.7.1 <u>Legislative Authority</u></b> 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><b>30.7.2 <u>Editorial Amendments</u></b> <b>30.7.2(1)</b> The Campus Law Review Committee (CLRC) decides which amendments are editorial. (CLRC 29 OCT 2004 e-mail vote) <b>30.7.2(2)</b> 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) <b>30.7.2(3)</b> 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><b>30.7.3 <u>Substantive Amendments</u></b> <b>30.7.3(1)</b> 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) <b>30.7.3(2)</b> Only substantive changes to Section 30.6 proceed to the [Board Learning and Discovery Committee], which will decide whether or not it can act on behalf of the Board of Governors. (BEAC 11 JUNE 2004) <b>30.7.3(3)</b> 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)	University Governance; Office of the Dean of Students; Office of General Counsel; Student OmbudService; and GFC Campus Law Review Committee (for discussion) – February 23, 2012
Approval Route (Governance) (including meeting dates)	GFC Campus Law Review Committee (March 22, 2012) – for final approval
Final Approver	GFC Campus Law Review Committee

Attachments (each to be numbered 1 - <>):

- Attachment 1 (page 1): Comparative Table of Proposed Changes to Section 30.3.1 of the Code of Student Behaviour



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*Prepared by:* Deborah Eerkes, Director, Office of Student Judicial Affairs (OSJA),  
[deborah.eerkes@ualberta.ca](mailto:deborah.eerkes@ualberta.ca)

Current	Proposed	Rationale
<p data-bbox="186 436 521 506"><b><u>30.3 Offences Under the Code</u></b></p> <p data-bbox="186 541 440 577"><b><u>30.3.1 Application</u></b></p> <p data-bbox="186 619 581 1018"><b>30.3.1(1)</b> 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>	<p data-bbox="613 436 943 506"><b><u>30.3 Offences Under the Code</u></b></p> <p data-bbox="613 541 862 577"><b><u>30.3.1 Application</u></b></p> <p data-bbox="613 619 1008 1207"><b>30.3.1(1)</b> This Code applies to all conduct by a Student or by Students, <u>by any means whatsoever, (including but not limited to internet forums, electronic communications or other media)</u> 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>	<p data-bbox="1036 541 1425 1228">Rather than creating new definitions for behaviours like cyberbullying, cyberstalking, etc. we can make an overall statement that students' conduct online and through electronic media is also subject to the Code, as long as the real and substantial link to the University exists. In practice, this is how the Code is currently applied. Making it more explicit clarifies expectations for students and decision-makers. This approach provides the added benefit of not having to keep up with advances in technology.</p>