



The following Motions and Documents were considered by the GFC Campus Law Review Committee at its Thursday, September 28, 2017 meeting:

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Agenda Title: **Proposed Changes to the GFC Campus Law Review Committee Terms of Reference**

CARRIED MOTION: THAT the GFC Campus Law Review Committee recommend that General Faculties Council approve the proposed changes to the GFC Campus Law Review Terms of Reference as set forth in Attachment 1, as amended, to take effect upon approval.

Final Amended Recommended Item: 5

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**OUTLINE OF ISSUE**  
**Action Item**

Agenda Title: **Proposed Changes to the GFC Campus Law Review (CLRC) Terms of Reference**

**Motion:** THAT the GFC Campus Law Review Committee recommend that General Faculties Council approve the proposed changes to the GFC Campus Law Review Terms of Reference as set forth in Attachment 1, as amended, to take effect upon approval.

**Item**

Action Requested	<input type="checkbox"/> Approval <input checked="" type="checkbox"/> Recommendation
Proposed by	Steven Penney, Chair, GFC CLRC
Presenter	Steven Penney, Chair, GFC CLRC

**Details**

Responsibility	General Faculties Council
The Purpose of the Proposal is (please be specific)	To approve the revised terms of reference for the GFC Campus Law Review Committee.
The Impact of the Proposal is	<p>The committee terms of reference are being amended to reflect the GFC principles on delegated authority and committee composition approved by GFC on April 21, 2017.</p> <p>The Report of the <i>ad hoc</i> Committee on Academic Governance including Delegated Authority, endorsed by GFC on April 21, 2017, noted that CLRC currently works within a well defined mandate and the delegated authority given to the committee is also well defined. The benefits to having a Chair with legal training was emphasized in the report and has been added to the proposed terms of reference. No major changes were recommended.</p>
Replaces/Revises (eg, policies, resolutions)	Current committee terms of reference.
Timeline/Implementation Date	Upon final approval by GFC.
Estimated Cost and funding source	N/A
Next Steps (ie.: Communications Plan, Implementation plans)	N/A
Supplementary Notes and context	<p>The proposed terms of reference reflect a standard template that will be used for all GFC standing committees which has been designed to provide increased clarity on mandate, responsibilities, and delegated authority.</p> <p>Further changes to the CLRC terms of reference include:</p> <ol style="list-style-type: none"> <li>1. Change to the committee name to reflect its role, from the GFC Campus Law Review Committee, to the GFC Student Conduct Policy Committee.</li> <li>2. Reference to student residence codes has been removed in accordance with the Board's delegation of creation and revision of these codes to Residence Services (February 2011).</li> <li>3. The addition that preference be given for a Chair who has legal training, which the Committee has discussed and agreed upon previously (CLRC meetings of January 25 and May 25, 2017).</li> </ol>

FINAL Item No. 5

	<p>4. The addition of one elected academic staff member from GFC to the committee composition in accordance with principle 1 of the Principles for Standing Committee Composition:  <i>“Wherever possible, the majority of elected members of each standing committee should be drawn from the membership of GFC to provide tangible links between GFC and its standing committees and increase engagement of the greater GFC community.”</i></p> <p>5. The voting status of ex-officio members has been revised to reflect their voting status in accordance with principle 3 of the Principles for Standing Committee Composition on GFC.</p> <p>6. The terms will now note that CLRC makes recommendations to General Faculties Council, rather than to GFC Executive Committee.</p>
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**Engagement and Routing** (Include meeting dates)

<p>Participation: (parties who have seen the proposal and in what capacity)</p> <p>&lt;For further information see the link posted on the <a href="#">Governance Toolkit section Student Participation Protocol</a>&gt;</p>	<p><b><u>Those who have been informed:</u></b></p> <ul style="list-style-type: none"> <li>• Campus Law Review Committee</li> <li>• General Faculties Council</li> <li>• Board of Governors has been provided with brief highlights of the work of the <i>ad hoc</i> Committee on Academic Governance including Delegated Authority</li> </ul>
	<p><b><u>Those who have been consulted:</u></b></p> <ul style="list-style-type: none"> <li>• <a href="#">Report of the <i>ad hoc</i> Committee on Academic Governance Including Delegated Authority Appendix 6: List of Consultations</a></li> <li>• Campus Law Review Committee</li> <li>• General Faculties Council</li> <li>• GFC Executive Committee</li> </ul>
	<p><b><u>Those who are actively participating:</u></b></p> <ul style="list-style-type: none"> <li>• <i>ad hoc</i> Committee on Academic Governance Including Delegated Authority</li> <li>• Campus Law Review Committee</li> <li>• General Faculties Council</li> <li>• GFC Executive Committee</li> </ul>
<p>Approval Route (Governance) (including meeting dates)</p>	<p>GFC Campus Law Review Committee - September 28, 2017  GFC Executive Committee - October 16, 2017  General Faculties Council - October 30, 2017</p>
<p>Final Approver</p>	<p>General Faculties Council</p>

**Alignment/Compliance**

<p>Alignment with Guiding Documents</p>	<p><b><i>For the Public Good</i></b></p> <p>Objective 21: Encourage continuous improvement in administrative, governance, planning, and stewardship systems, procedures, and policies that enable students, faculty, staff, and the institution as a whole to achieve shared strategic goals.</p> <p><a href="#">Principles for General Faculties Council Delegation of Authority</a></p> <p><a href="#">Principles for General Faculties Council Standing Committee Composition</a></p>
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<p>Compliance with Legislation, Policy and/or Procedure Relevant to the Proposal (please <u>quote</u> legislation and include identifying section numbers)</p>	<p><b>1. <i>Post-Secondary Learning Act (PSLA)</i></b> <b>“Powers of general faculties council”</b> 26(1) Subject to the authority of the board, a general faculties council is responsible for the academic affairs of the university [...]</p> <p>(3) A general faculties council may delegate any of its powers, duties and functions under this Act, including the powers referred to in section 31, as it sees fit and may prescribe conditions governing the exercise or performance of any delegated power, duty or function, including the power of subdelegation.”</p> <p><b>2. GFC Executive Committee Terms of Reference</b> <b>“5. Agendas of General Faculties Council</b> GFC has delegated to the Executive Committee the authority to decide which items are placed on a GFC Agenda, and the order in which those agenda items appear on each GFC agenda.</p> <p>With respect to recommendations from other bodies and other GFC committees, however, the role of the Executive Committee shall be to examine and debate the substance of reports or recommendations and to decide if an item is ready to be forwarded to the full governing body.”</p>
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Attachment:

1. Attachment 1: Proposed Terms of Reference
2. Attachment 2: Current Terms of Reference

*Prepared by:* University Governance



## 1. Mandate and Role of the Committee

The Student Conduct Policy Committee (SCPC) is a standing committee of General Faculties Council charged with providing oversight to the university's student discipline codes. The committee reviews and recommends on new codes, and policies and procedures related to discipline. SCPC may be called upon to provide advice to the Provost and Vice-President (Academic) on items which may include, but are not limited to, rules and regulations other than discipline codes.

## 2. Areas of Responsibility

- a. Review and recommend changes to General Faculties Council on:
  - the Code of Student Behaviour and student discipline procedures
  - the Code of Applicant Behaviour
  - the Practicum Intervention Policy
  - the Residence Community Standards Policy
- b. Discuss annual residence discipline statistics and forward reports to GFC for information.
- c. Discuss annual statistical reports on discipline cases dealt with by Faculties, the Discipline Officer, the Registrar, Unit Directors, the University Appeal Board (UAB), GFC Academic Appeals Committee (AAC), and the GFC Practice Review Board (PRB) and forward reports to GFC for information.

## 3. Composition

### Voting Members (13)

#### ***Ex-officio (1)***

- Vice-Provost and Dean of Students

#### ***Appointed (4)***

- 1 academic staff (A1.1, A1.5, A1.6, A1.7) to serve as Chair; appointed by GFC Executive Committee for a two year term. Strong preference is given to an individual with legal training.
- 1 representative from each of the following (3 total):
  - Students' Union Executive, appointed by the Students' Union Executive
  - Graduate Students' Association Executive, appointed by the Graduate Students' Association Executive
  - Residences, appointed by Council of Residence Associations (CORA)

#### ***Cross Appointed (1)***

- Dean (or designate) from the GFC Academic Standards Committee (ASC), elected by ASC for a one year term

#### ***Elected by GFC (7)***

- 2 student members of GFC (graduate or undergraduate)
- 2 academic staff (A1.1, A1.5, A1.6, A1.7) at least 1 of whom is a member of GFC
- 1 academic staff (A1.1, A1.5, A1.6, A1.7) who is a former Associate Dean or a former University Appeals Board (UAB) Chair
- 2 staff members (A1.0, A2.0 and/or S1.0, S2.0)

Note: The Vice-Chair will be appointed by the GFC Executive Committee from amongst the elected academic staff (A1.1, A1.5, A1.6, A1.7) of SCPC for a one year term.

**Non-Voting Members**

- Discipline Officer
- Appeals Coordinator as defined in the Code of Student Behaviour, Code of Applicant Behaviour and the Practicum Intervention Policy
- Director of University of Alberta Protective Services
- Assistant Dean of Students (Residence)
- GFC Secretary
- University Secretary
- Representative from the Office of the Student Ombuds

**4. Delegated Authority from General Faculties Council**

Should be reviewed at least every three years and reported to GFC.

4.1 Approve editorial amendments to:

- a. the Code of Student Behaviour (except as listed under 7. Limitations to Authority)
- b. the Code of Applicant Behaviour (except as listed in 7. Limitations to Authority)
- c. the Practicum Intervention Policy (except as listed in 7. Limitations to Authority)

**5. Responsibilities Additional to Delegated Authority**

5.1 To recommend to GFC on proposals for substantive changes to the Code of Student Behaviour, the Code of Applicant Behaviour, and the Practicum Intervention Policy.

**6. Sub-delegations from GFC SCPC**

Should be reviewed at least every three years and reported to GFC.

None.

**7. Limitations to Authority**

The following further refines or places limitations on authorities held by or delegated to SCPC:

- 7.1 Substantive Amendments, as determined by SCPC, are forwarded to General Faculties Council for recommendation to the Board of Governors:
  - a. the Code of Student Behaviour
  - b. the Code of Applicant Behaviour
  - c. the Practicum Intervention Policy
  
- 7.2 All Amendments to the following sections are forwarded to General Faculties Council for recommendation to the Board of Governors:
  - a. the Code of Student Behaviour
    - 30.6: Procedures for Appeal of Decisions to the University Appeal Board (UAB)
  - b. the Code of Applicant Behaviour
    - 11.8.9: Appeals Against Decisions of the Registrar
  - c. the Practicum Intervention Policy
    - 87.5: Appeals to the GFC Practice Review Board (PRB)
    - 87.6: GFC PRB Terms of Reference, Powers and Jurisdiction
    - 87.7: Composition of the GFC PRB
    - 87.8: Procedures Prior to GFC PRB Hearings
    - 87.9: Procedures at the GFC PRB Hearing
    - 87.10: Confidentiality of Hearing and Material

**8. Reporting to GFC**

The Committee should regularly report to GFC with respect to its activities and decisions.

**9. Definitions**

Editorial and Substantive: The GFC Student Conduct Policy Committee determines which amendments are editorial and which are substantive.

Academic staff: As defined by the [Recruitment Policy \(Appendix A\) Definition and Categories of Academic Staff, Administrators and Colleagues](#) in UAPPOL

Non-Academic staff: As defined by the [Recruitment Policy \(Appendix B\) Definition and Categories of Support Staff](#) in UAPPOL

**10. Links**

[Code of Student Behaviour](#)  
[Code of Applicant Behaviour](#)  
[Practicum Intervention Policy](#)  
[Residence Community Standards](#)

Approved by General Faculties Council: <>

v. September 28, 2017

## **GFC Campus Law Review Committee Terms of Reference**

### **1. Authority**

The *Post-Secondary Learning Act* gives General Faculties Council (GFC) responsibility, subject to the authority of the Board of Governors, over "academic affairs" (section 26(1)) and "general supervision of student affairs" (section 31), including authority concerning "student discipline." GFC has thus established a Campus Law Review Committee (GFC CLRC) and a University Appeal Board (GFC UAB), as set out below.

The complete wording of the section(s) of the *Post-Secondary Learning Act*, as referred to above, and any other related sections, should be checked in any instance where formal jurisdiction needs to be determined.

### **2. Composition of the Committee**

The GFC Executive Committee will appoint a faculty member to chair the CLRC, and the faculty member will be appointed for more than two years in order to provide continuity. The Chair may be appointed from among the elected faculty members of the CLRC or may be appointed at-large from categories A1.1 and A1.6 and their counterparts in A1.5 and A1.7\*. If the Chair is appointed from among the faculty members on the CLRC, upon appointment by the GFC Executive Committee that seat shall be declared vacant, to be replenished by GFC. (EXEC 30 JUN 2000) (EXEC 04 DEC 2006)

The GFC Executive Committee also appoints the Vice-Chair of the CLRC. The Vice-Chair must be appointed from among the elected faculty members of the CLRC. (EXEC 08 APR 2002) (EXEC 04 DEC 2006)

One non-student member of the Committee must have legal training. (EXEC 04 DEC 2006)

#### **Ex Officio**

Discipline Officer (EXEC 09 SEP 2002)  
Vice-Provost and Dean of Students  
Director of Campus Security Services  
Director of Residence Services

#### **One representative from each of the following:**

- Students' Union Executive or their designee, appointed by the Students' Union Executive
- Graduate Students' Association, appointed by the GSA Executive
- Residences, elected by the University of Alberta Residence Hall Association
- Student Ombudservice, to be appointed by the members of the Student Ombudservice (EXEC 09 DEC 2002)

#### **Elected by GFC**

Two students-at-large (graduate or undergraduate)

One staff member elected from Categories A1.1 and A1.6 and their counterparts in A1.5 and A1.7\* (EXEC 03 MAY 2010)

One staff member elected from Categories A1.1 and A1.6 and their counterparts in A1.5 and A1.7\* who is a current Associate Dean (EXEC 03 MAY 2010)

One staff member elected from Categories A1.1 and A1.6 and their counterparts in A1.5 and A1.7\* who is a former Associate Dean or a former Discipline Officer or a former University Appeals Board (UAB) Chair

(EXEC 03 MAY 2010)

Two staff members selected from Categories A1.0, A2.0 and/or S1.0\* and S2.0\* (EXEC 04 DEC 2006)



## **Non-voting Resource Members**

Appeals Coordinator, University Appeal Board

Director, General Faculties Council Services and Secretary to GFC

Dean (or designate) cross-representative from the GFC Academic Standards Committee (ASC), appointed by the Chair of GFC ASC

\* See UAPPOL Recruitment Policy (Appendixes A) Definition and Categories of Academic Staff and Colleagues and (Appendix B) Definition and Categories of Support Staff for definitions of these categories of staff.

### **3. Mandate of the Committee**

#### **A. 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 amendments to the Code of Student Behaviour except editorial amendments to Section 30.6. (EXEC 02 MAY 2005)
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 *Amendment of the Code*, Section 30.7 of the GFC Policy Manual (Code of Student Behaviour.))

#### **B. Code of Applicant Behavior**

1. To review, from time to time, the Code of Applicant Behaviour.
2. On delegated authority from GFC, to approve all editorial amendments to the Code of Applicant Behaviour except editorial amendments to Section 11.8.8. (EXEC 02 MAY 2005)
3. Amendments to the Code of Applicant 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 *Amendment of the Code of Applicant Behaviour*, Section 11.8.9 of the GFC Policy Manual.)

#### **C. Practicum Intervention Policy**

1. To review, from time to time, the Practicum Intervention Policy (EXEC 02 MAY 2005) (GFC 31 MAR 2008) (EXEC 02 MAR 2009)
2. On delegated authority from GFC, to approve all editorial amendments to the Practicum Intervention Policy as noted in Section 87.14. (EXEC 02 MAY 2005) (EXEC 02 MAR 2009)

#### **D. Residence Codes and Community Standards**

1. To review, from time to time, the community standards of the University student residence associations, with a full review of Residence Community Standards to be considered every three years (beginning in 2005).
2. New student residence codes shall be submitted to the GFC Campus Law Review Committee which will make a recommendation to the GFC Executive Committee. The GFC Executive has the delegated authority from General Faculties Council to approve new residence codes.
3. Any changes to existing student residence codes shall be submitted to the GFC Campus Law Review Committee. The CLRC has the delegated authority from General Faculties Council to approve changes which in its view are editorial or minor; all such approvals will be filed with the GFC Executive Committee. Any major changes to existing student residence codes shall be forwarded with the recommendation of the CLRC to the GFC Executive for final approval.

## E. Other GFC Regulations

1. From time to time the Chair of GFC CLRC will bring forward to GFC CLRC items where the Office of the Provost and Vice-President (Academic), in consultation with other units or officers of the University, is seeking the advice of the committee. These matters may include, but are not limited to, rules and regulations, other than discipline codes. (EXEC 02 MAY 2005)

## 4. Committee Procedures

### Quorum

The quorum for the Campus Law Review Committee shall conform to the quorum requirements set out in the *General Terms of Reference - Standing and Other Committees of General Faculties Council (GFC) General Terms of Reference*, with at least two voting members from each of the following three groups of members:

- ex officio members who hold administrative positions;
- ex officio and elected students;
- elected staff. (GFC 22 JUN 1987)(EXEC 23 JUL 1990)

## 5. Reporting Requirements

**Residence Discipline Reports:** To receive annually reports from the student residence associations on the number and disposition of discipline cases in the residences, and forward the reports to the GFC Executive Committee. (EXEC 14 JUL 1997)

Any student residence with a code or similar set of regulations is required to report annually on the operation of that code to General Faculties Council through its Campus Law Review Committee and its Executive Committee. (GFC 22 SEP 1997)

**Discipline Cases:** University Governance has been asked by the GFC Executive to attempt to have all appeal Boards (UAB, GFC AAC and GFC PRB) report to GFC at the same meeting, through the GFC Campus Law Review Committee (CLRC). (EXEC 02 MAR 2009)

The Appeals Coordinator on behalf of the Campus Law Review Committee will submit annually to GFC in the fall, statistical information on discipline cases dealt with by Faculties, the Discipline Officer, the Registrar, Unit Directors, the University Appeal Board and the GFC Practice Review Board. The discipline reports will include the year of the student, the offence with which they were charged and the outcome, but not any personally identifying information. When reporting statistics for applicants, the offence with which the applicant is charged and the outcome, but not any personally identifying information, will be provided. As far as is practical, comparative information from the most recent reporting period will be included. (EXEC 10 DEC 1990) (EXEC 15 MAY 1995) (EXEC 14 JAN 2001)(EXEC 08 APR 2002) (EXEC 02 MAR 2009)

The Appeals Coordinator shall place an ad in the Gateway in the fall and spring. The ad can target a particular area of concern or provide educational information regarding student discipline. These materials may also appear in other University publications. (EXEC 02 MAR 2009)