



UNIVERSITY OF ALBERTA

UNIVERSITY GOVERNANCE

General Faculties Council
Campus Law Review Committee
Approved Open Session Minutes

Thursday, January 26, 2012
3-15, UHALL
9:30 AM – 11:00 AM

ATTENDEES:

Voting Members:

Steven Penney	Chair, GFC Campus Law Review Committee
Deborah Eerkes	Discipline Officer
Kristen Flath (Delegate)	Vice-Provost and Dean of Students (Delegate)
Dima Utgoff	Director of Residence Services
Jayson MacLean	Student OmbudService
Tamara Korassa	Graduate Students' Association
Emerson Csorba	Students' Union Executive
Elaine Geddes	Academic Staff
Adrienne Wright	Staff Member from A1.0, A2.0 and/or B1.0
Jess Ann Gordon	Student at-large
Maxi Miciak	Student at-large

Non-Voting Members:

Iva Spence	Appeals Coordinator
Garry Bodnar	Director of GFC Services and Secretary to GFC and Coordinator, GFC Campus Law Review Committee

Presenter(s):

Deborah Eerkes	Director, Office of Student Judicial Affairs
Chris Hackett	Discipline Officer, Office of Student Judicial Affairs
Steven Penney	Chair, GFC Campus Law Review Committee
Kristen Flath	Student Affairs Officer, Office of the Dean of Students

Staff:

Emily Paulsen	Scribe
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Observer:

Marion Haggarty-France	University Secretary
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OPENING SESSION

1. Approval of the Agenda

Materials before members are contained in the official meeting file.

Motion: Eerkes/Korassa

THAT the GFC Campus Law Review Committee approve the Agenda.

CARRIED

2. Approval of the Open Session Minutes of November 24, 2011

Materials before members are contained in the official meeting file.

Motion: Eerkes/Korassa

THAT the GFC Campus Law Review Committee approve the Minutes of November 24, 2011.

CARRIED

3. Comments from the Chair

There were no comments from the Chair.

ACTION ITEMS

4. Changes to Code of Student Behaviour Section 30.2 (General Definitions, Section 30.8 Appendix 1 – Registration of Student Groups) and Section 30.8.2 (Requirements for Registration)

Materials before members are contained in the official meeting file.

Presenter: Kristen Flath, Student Affairs Officer, Office of the Dean of Students

Purpose of the Proposal: To modify the membership requirements for fraternities and sororities to ensure all active members are current students from the University of Alberta.

Discussion:

Ms Flath explained to members that the changes to membership requirements for fraternities and sororities would simply be a universalization and formalization of current practice. It was clarified that the change would be effective immediately but would only apply to new students and new applicants.

Motion: Eerkes/Flath

THAT the GFC Campus Law Review Committee approve, under delegated authority from General Faculties Council, proposed changes to Code of Student Behaviour Section 30.2 (General Definitions), Section 30.8 (Appendix 1 – Registration of Student Groups), and Section 30.8.2 (Requirements for Registration), as submitted by the Vice-Provost and Dean of Students and as set forth in Attachment 1, to take effect upon approval and with existing fraternity and sorority memberships to be grandparented.

CARRIED

5. Proposed Addition of 'Hazing' as a New Offence Under the Code of Student Behaviour

Materials before members are contained in the official meeting file.

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

Purpose of the Proposal: To define 'hazing' and specify it as an offence under the Code of Student Behaviour.

Discussion:

Ms Eerkes introduced the proposal to members, noting that many students wrongly think that consent makes hazing acceptable. This, amongst other pressing reasons, has made the addition of "hazing" as a new offence under the Code of Student Behaviour necessary.

The Coordinator noted for members' information that the GFC Executive Committee might decide at the time it considers this item that it is substantive in nature and, because of this, warrants further consideration and final approval by General Faculties Council (GFC) rather than being approved by the Committee under delegated authority from Council.

It was clarified that any offence allegedly committed off campus must have a tangible link to the University to warrant a charge under the Code of Student Behaviour and possible disciplinary proceedings.

Motion: Eerkes/Flath

THAT the GFC Campus Law Review Committee recommend to the GFC Executive Committee the proposed addition of 'Hazing' as an offence under 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.

CARRIED

6. Removing References of the Freedom of Information and Protection of Privacy (FOIPP) Act from the Code of Student Behaviour: Proposed Changes to Code Sections 30.1.1(2) and 30.6.4(13)

Materials before members are contained in the official meeting file.

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

Purpose of the Proposal: To prevent students from attending the University's Information and Privacy Office (IPO) for access to their discipline records; to allow students to request information from their discipline records directly from the office holding them.

Discussion:

The Coordinator shared with members a revised Motion for this item, noting that this proposal, if agreeable to GFC CLRC, would be recommended by this committee on to the GFC Executive Committee for its consideration.

Ms Eerkes explained to members that the Information Privacy Office (IPO) was becoming overrun with Freedom of Information and Protection of Privacy (FOIPP) requests from students wanting to access their discipline files. She noted that most of the information provided by the IPO was redacted and rendered useless to the student in their attempt to respond to charges under the Code of Student Behaviour. It was decided that it would be best to take out the references to the FOIPP Act in the Code. FOIPPA would still apply but, by ensuring students went directly to the office holding their discipline records, it would provide the students with more information to better understand the nature of the case against them and the resulting appeal processes.

Ms Eerkes added that with the *FOIPPA* references taken out of the Code, students might be confused about where to get their disciplinary-related information; a communications plan was being developed to explain to such students how to access this information accordingly.

Motion: Eerkes/Maciak

THAT the GFC Campus Law Review Committee recommend to the GFC Executive Committee approval of proposed changes to Code of Student Behaviour Sections 30.1.1(2) and 30.6.4(13) in order to remove reference to the *Freedom of Information and Protection of Privacy (FOIPP) Act*, 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.

CARRIED

DISCUSSION ITEMS

7. Clarifying 'Definitions' Under the Code of Student Behaviour

Materials before members are contained in the official meeting file.

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

Purpose of the Proposal: To provide more clarity and transparency in terms of what discipline files exist, who has access to them, what they contain, and how sanctions may be communicated to those with a 'need to know' when imposed.

Discussion:

Ms Eerkes explained that this was an attempt to make definitions in the Code of Student Behaviour match current practice. She asked members to comment on any issues they may have with the changes outlined in the material before them.

A member noted that Code Section 30.2.24 was vague regarding what the 'service indicators' exactly are. Ms Eerkes explained that there would be specifics later on in the document.

Members generally agreed that the proposed changes clarify the document.

8. Clarifying Section 30.3.3 (Inappropriate Behaviour in Professional Programs) of the Code of Student Behaviour

Materials before members are contained in the official meeting file.

Presenter: Chris Hackett, Discipline Officer, Office of Student Judicial Affairs

Purpose of the Proposal: To provide options for clarification of Code of Student Behaviour Section 30.3.3 (Inappropriate Behaviour in Professional Programs). This section has been problematic in several ways: 1) it contradicts the Practicum Intervention Policy; 2) it is vague in terms of when appeals are heard by the Practice Review Board (PRB) versus the University Appeal Board (UAB); 3) it is focused almost exclusively on the Health Science professions and leaves out others, such as the Faculties of Engineering and Education; and 4) it is focused only on offences that occur within a practicum, which does not allow a Faculty to address professional misconduct that happens outside of a practicum.

Discussion:

Mr Hackett introduced the item to members by asking for some direction from the Committee to address the concerns outlined in the material before them. He noted that, in his view, there were two potential routes to changing the Code, one that is fairly complex and the other which is easier and more straightforward. Mr Hackett added that it is important to make the affected Code sections more inclusive and return the focus on what we want from the students. He also noted that there appeared to be discrepancies between certain relevant sections of the Code and the Practicum Intervention Policy.

Members agreed with Mr Hackett that references in the Code to specific examples of transgression of professional ethics, which would also exist in the relevant Professional Code of Ethics, are redundant.

A member, referring to section 30.3.3(4) e, took issue with the use the word "obtaining" rather than "accepting" gifts from patients, pupils, or clients.

Several members voiced concern with the deletions shown on page four of the document. The Coordinator recommended that there be consultations with the professional Faculties. He also suggested that if the word "obtaining" is kept in the document that "with the permission of the Faculty" be added.

Members generally agreed upon the suggested first route, as set out in the material provided by Mr Hackett, in which greater amounts of time would be spent on consultations and detail before coming to a final proposal.

9. Residence Community Standards Implementation Committee Report (Restorative Justice Training and Communications Report)

Materials before members are contained in the official meeting file.

Presenter: Chris Hackett, Discipline Officer, Office of Student Judicial Affairs

Purpose of the Proposal: To update GFC CLRC on the implementation of the restorative justice (RJ) program, September 1, 2011.

Discussion:

Mr Hackett introduced the report, noting that the training was designed as a series of modules with input from experts to assist in the construct of this training process. Mr Hackett explained that it was discovered that there needed to be more communication with Residence Coordinators (RC).

Ms Eerkes explained that, hopefully, by early April, 2012, students would be able to see a statistical breakdown of the usage of the administrative disciplinary system *versus* the restorative model.

Many members commended the work that went into this training. One member suggested that a Restorative Justice model might be successful if applied across campus.

There was some discussion regarding the rollout of this report and the potential for annual reporting to GFC CLRC, the GFC Executive Committee, and General Faculties Council (GFC).

10. Question Period

There were no questions.

INFORMATION REPORTS

11. Items Approved by the Committee by E-Mail Ballots

There were no items.

12. Information Items Forwarded to Committee Members Between Meetings

There were no items.

CLOSING SESSION

13. Adjournment

The Chair adjourned the meeting at 10:25 am.