



UNIVERSITY OF ALBERTA

UNIVERSITY GOVERNANCE

General Faculties Council
Campus Law Review Committee
Approved Open Session Minutes

Thursday, February 23, 2012
3-15, UHALL
9:30 AM – 11:00 AM

ATTENDEES:

Voting Members:

Steven Penney	Chair (and Academic Staff-at-large)
Deborah Eerkes	Discipline Officer
Frank Robinson	Vice-Provost and Dean of Students
Al Belanger (Delegate)	Director, University of Alberta Protective Services
Jayson MacLean	Student OmbudService
Tamara Korassa	Graduate Students' Association
Emerson Csorba (Delegate)	Students' Union Executive
Lise Gotell	Academic Staff
Elaine Geddes	Academic Staff
Adrienne Wright	Staff from A1.0, A2.0 and/or B1.0
Ada Schmude	Staff 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)

Presenters:

Margaret-Ann Armour	Associate Dean (Diversity), Faculty of Science
Deborah Eerkes	Director, Office of Student Judicial Affairs
Marion Haggarty-France	University Secretary
Sandra Kereliuk	Senior Administrative Officer, Office of the Vice-President (Finance and Administration)
Wade King	Advisor, Office of Safe Disclosure and Human Rights
Jayson MacLean	Graduate Ombudsperson, Student OmbudService
Steven Penney	Chair, GFC Campus Law Review Committee
Ada Schmude	Associate Registrar and Director of Records, Office of the Registrar
Natalie Sharpe	Director, Student OmbudService
Iva Spence	Appeals Coordinator, University Governance

Staff:

Emily Paulsen

Scribe

OPENING SESSION

1. Approval of the Agenda

Materials before members are contained in the official meeting file.

With the agreement of members, an item concerning review of the draft advertisements sponsored by GFC CLRC regarding student discipline-related issues at the University of Alberta for publication in *The Gateway*, as prepared by the Appeals Coordinator, was added to the Agenda.

Motion: Eerkes/Miciak

THAT the GFC Campus Law Review Committee approve the Agenda, as amended.

CARRIED

2. Approval of the Open Session Minutes of January 26, 2012

Materials before members are contained in the official meeting file.

Motion: Gotell/Korassa

THAT the GFC Campus Law Review Committee approve the Minutes of January 26, 2012.

CARRIED

3. Comments from the Chair

There were no comments from the Chair.

DISCUSSION ITEMS

4. Discrimination, Harassment and Duty to Accommodate Policy Suite (in UAPPOL)

Materials before members are contained in the official meeting file.

Presenters: Margaret-Ann Armour, Associate Dean (Diversity), Faculty of Science; Sandra Kereliuk, Senior Administrative Officer, Office of the Vice-President (Finance and Administration); Wade King, Advisor, Office of Safe Disclosure and Human Rights

Purpose of the Proposal: To receive feedback on the proposed Discrimination, Harassment and Duty to Accommodate Policy Suite (in UAPPOL) and related documents, intended to rescind and replace GFC Policy Manual Section 44 (Discrimination and Harassment Policy and Procedures and the University of Alberta Reasonable Accommodation Policy).

Major changes to the existing policies on discrimination and harassment include:

1. Clarity. The policy:
 - a. clearly outlines discrimination, harassment, and duty to accommodate
 - b. outlines responsibilities in this area of all members of the University community; and
 - c. provides information on offices and resources provided by the University.
2. Definitions. The definitions have been revised, clarified, and made consistent with current

language used by most agreements and recognized by law. The definition for harassment has been expanded to include bullying, sexual harassment, and racial harassment. Additional definitions have also been included for “respectful environment”, “informal resolution,” and “formal resolution”.

3. Language. First, the language has been revised to ensure compliance with the law. For example, the original policy distinguished between “direct discrimination” and “indirect.” That distinction no longer exists in law. Second, language was used, as much as possible, that was readily comprehensible to the University community, educational, and concise.
4. Procedures. Separate procedures for staff and students have been drafted and include information on both informal and formal resolutions (as appropriate). (The formal procedures are set out in the faculty and staff agreements and the Code of Student Behaviour.)
5. A proposed Letter of Understanding (LoU) on cross-jurisdictional complaints (involving NASA (Non-Academic Staff Association) and AASUA (Association of Academic Staff – University of Alberta) members) has been drafted by representatives of NASA, AASUA, and central administration. Work is proceeding to formally sign off on this LoU. If this occurs, this process will be recommended by NASA and AASUA to its members as a way of working to deal with complaints.
6. Organizational Updates. The Office of Safe Disclosure and Human Rights has been added as the initial point of contact for advice, concerns, and assistance.

Discussion:

Dr Armour explained to members that all stakeholders on campus have had opportunities to speak to the proposed UAPPOL Discrimination, Harassment and Duty to Accommodate Policy Suite (and related documents) and express their concerns. She noted that the documentation before members had been written to reflect the University of Alberta’s high expectations for how people should conduct themselves in the University community. Dr Armour stated that their philosophy while writing this policy suite correlates with ongoing discussions and potential formal Letters of Understanding (LoU) on these matters with both the Non-Academic Staff Association (NASA) and the Association of Academic Staff – University of Alberta (AASUA). She also noted that the proposed policy suite is based, in part, on the University’s Code of Student Behaviour.

During the ensuing discussion, the presenters addressed questions and comments expressed by members concerning the following matters: the consideration of past practice and the ‘reasonable persons standards’ of the courts when deeming an action as offensive enough to warrant discipline; further clarity on the reasonable accommodation of staff and students, especially under the term “undue hardship;” adding “level of income” as a protective ground; including Post-Doctoral Fellows (PDF) into the definition of “University Community;” defining “members of the University community” to include sessional instructors and teaching assistants (TA); defining “harassment;” including “causing offense” as harassment since some might argue that the job of a university is to be controversial; including analogous categories to the list from the Human Rights Act about prohibition of discrimination as to avoid considering the list as exclusive; the communication plan for the policy; potential discussion around what is meant by “academic freedom;” clarifying how allegations are investigated; the resources available for the Office of Safe Disclosure to deal appropriately and adequately with issues arising from implementation of the new policy suite; ensuring that the procedures and definitions are being interpreted as intended; and the appeals procedure for cases with regard to reasonable accommodation.

5. Proposed Changes to the GFC Academic Appeals Policy

Materials before members are contained in the official meeting file.

Presenters: Jayson MacLean, Graduate Ombudsperson, Student OmbudService; Ada Schmude, Associate Registrar and Director of Records, Office of the Registrar; Natalie Sharpe, Director Student Ombud Service; Iva Spence, Appeals Coordinator, University Governance

Purpose of the Proposal: To bring the GFC Academic Appeals Policy in line with the Code of Student Behaviour and the Practicum Intervention Policy. The changes include such matters as: changing the appeal deadline from 21 calendar days to 15 working days; including a timeframe for provision of response and witnesses; changing the language to indicate reasonable notice of hearing and adding a timeframe for completion of hearings. In addition, the information has been reorganized and includes headings to make it easier to locate information.

Discussion:

Ms Spence reported to members that the changes were made to streamline the processes and make it easier to find information. She noted that the changes have been discussed in a number of forums already. Ms Sharpe added that, with the proposed revisions to the existing policy statement, they are striving for greater consistency and clarity.

Members' comments included: clarity on whether or not the term "in writing" includes reference to the deployment of electronic mail; a Faculty's freedom to communicate how they wish; and the consistency of terms used throughout the document.

6. Offences Committed by Electronic Means

Materials before members are contained in the official meeting file.

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

Purpose of the Proposal: To discuss a proposal that clarifies how the Code of Student Behaviour applies to offences committed electronically.

Discussion:

Ms Eerkes informed members of the underlying rationale to the (proposed) addition to the Code of Student Behaviour which would reflect and clarify current practice regarding offences committed by students by electronic means. She noted that the changes are open-ended to avoid limiting the ability of a University officer to act upon and penalize as appropriate an offence committed.

Members shared ideas, including suggestions on wording changes to enhance clarity; to address the vagueness of "other needs;" to avoid the appearance of the revised policy statement interfering with freedom of speech; to intervene when an action inhibits someone's ability to function; and to address the capacities of online surveillance.

Ms Eerkes thanked members for their comments and suggestions, noted she would consult further on the proposed wording and, after doing so, bring this proposal back to GFC CLRC for formal consideration, very likely at the Committee's March, 2012 meeting.

7. Chart of Proposed Changes to Appeal Regulations

Materials before members are contained in the official meeting file.

Presenter: Marion Haggarty-France, University Secretary

Purpose of the Proposal: Information and sharing.

Discussion:

Ms Haggarty-France introduced the item to members, which is an inventory of changes to existing student appeal regulations currently being worked on by a representative stakeholder group. She emphasized the

increased productivity and accomplishments that come *via* a group with multiple perspectives.

Members discussed the importance of this group, the consultations they have had with students on related matters, and the continued opportunities for feedback on the changes upon which this group has already worked or plans to discuss in the near future.

8. Advice from the GFC Campus Law Review Committee (CLRC) on *The Gateway* Advertisements Regarding Student Discipline at the University of Alberta

Presenter: Iva Spence, Appeals Coordinator, University Governance

Purpose of the Proposal: Advice and discussion.

Discussion:

Ms Spence explained to members that there would be two advertisements placed in *The Gateway* to inform students of common Code of Student Behaviour infractions and make them aware of the consequences of inappropriate behaviour. For example, she noted that there have been cases where students have brought certain types of unauthorized material into their exam venues which many students do not realize is an offence even if the material is not used.

Members made several suggestions which included: changing the scale of the graph to emphasize the results; using graphic images rather than the graphs, alone; changing the slogan to “Don’t Risk Your Degree;” and running the advertisement on plagiarism offences first so it is timed with the upcoming exam period.

9. Question Period

There were no questions.

INFORMATION REPORTS

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

There were no items.

11. Information Items Forwarded to Committee Members Between Meetings

There were no items.

CLOSING SESSION

12. Adjournment

The Chair adjourned the meeting at 11:00 am.