



UNIVERSITY OF ALBERTA

UNIVERSITY GOVERNANCE

General Faculties Council
Campus Law Review Committee
Approved Open Session Minutes

Thursday, January 22, 2015
2-31 South Academic Building (SAB)
9:30 AM - 11:00 AM

ATTENDEES:

Voting Members:

Steven Penney	Chair, Academic Staff Elected from at-large, appointed by GFC Executive Committee
Monty Bal	Member, Representative of the Graduate Students' Association, appointed by the GSA Executive, Vice-President (Labour)
Nicholas Diaz	Member, Representative of the Students' Union Executive, appointed by the SU Executive, Vice-President (Student Life)
Deborah Eerkes	Member, Discipline Officer, Office of Student Judicial Affairs
Brent Epperson	Member (Delegate), Representative of the Student Ombudservice
Robin Everall	Member, Interim Vice-Provost and Dean of Students
Judith Garber	Member, Staff selected from Categories A1.0, A2.0 and/or B1.0
Elaine Geddes	Member, Academic Staff and Associate Dean (Categories A1.1, A1.5 or counterpart in A1.6) who is a current Associate Dean
Ryan McCracken	Member, Student-at-large (Undergraduate)
Jim Newman (Delegate)	Member (Delegate), Acting Director, University of Alberta Protective Services
Brock Richardson	Member, Acting Director of Residence Services
Lori Thorlakson	Member, Academic Staff (A1.1, A1.5, or counterpart in A1.6 who is a former Associate Dean, or former Discipline Officer, or former UAB Chair
Adrienne Wright	Member, Staff selected from Categories A1.0, A2.0 and/or B1.0

Non-Voting Members:

Michael Peterson	Member, Appeals and Compliance Officer, Resource
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Presenter(s):

Deborah Eerkes	Director, Office of Student Judicial Affairs
William Lau	President, Students' Union
Steven Penney	Professor, Faculty of Law, and Chair, GFC CLRC
Michael Peterson	Appeals and Compliance Officer, University Governance

Staff:

Andrea Patrick, Coordinator, GFC Campus Law Review Committee
Marion Haggarty-France, University Secretary

OPENING SESSION

1. Approval of the Agenda

Materials before members are contained in the official meeting file.

Presenter: Steven Penney, Professor, Faculty of Law, and Chair, GFC CLRC

Motion: Garber/Geddes

THAT the GFC Campus Law Review Committee approve the Agenda.

CARRIED

2. Approval of the Open Session Minutes of November 27, 2014

Materials before members are contained in the official meeting file.

Presenter: Steven Penney, Professor, Faculty of Law, and Chair, GFC CLRC

Discussion:

A member identified an error within the Attendance section of the Minutes.

Motion: Everall/Eerkes

THAT the GFC Campus Law Review Committee approve the Open Session Minutes of November 27, 2014, as amended.

CARRIED

3. Comments from the Chair

With the prior consent of the Chair, Mr William Lau was invited to address members as a visitor.

Mr Lau reported to members that he recently attended an educational conference for K-12 educators and other various stakeholders in relation to providing welcoming, caring, respectful and safe public learning environments in Alberta, as described within the *Education Act of Alberta*. He noted that with strong advocacy from the Honourable Dave Hancock, amendments were made to this legislation to include values-based language.

He explained the the resulting conversations generated by these changes led to an idea for a proposal to add similar language within certain of the University of Alberta's guiding documents and legislation. He added that he had initiated several consultative meetings with various individuals and groups across the University of Alberta community to discuss this possible initiative.

He reported that following these initial discussions, the Students' Union (SU) may move forward to draft a proposal to add a values-based preamble to the Code of Student Behaviour and the University of Alberta Policies and Procedures Online (UAPPOL). He explained that it was the intention of the SU to have this proposal ready for the governance path by spring 2015.

During the ensuing discussion in relation to this item, members expressed a number of comments and questions, including, but not limited to: that a policy is an action document and it has to be measurable and enforceable; that previous similar documents have negatively impacted the teaching environment on campus and that it would be difficult to apply this type of criteria to certain lectures on inherently upsetting course subject matter; clarification on how the demonstration of this criteria will be monitored; that one of the most important objectives of teaching at a university is to challenge thinking, and that this sometimes includes offending people; that instructors must challenge students intellectually; clarification surrounding

how these values would be decided upon; that it may be beneficial and strategic to evaluate this idea; that this seems like a great initiative but that from a legal context, preambles can carry the force of policy and are referenced in decisions; that the timeline for this project is not realistic; that a broad range of consultation would be required and that a project like this would be a multi-year project; that creating overarching values for the entire governance system is an ambitious undertaking; that this proposal presupposes that the University of Alberta does not possess and/or utilize values already; that students need to respect academic values as well.

DISCUSSION ITEMS

4. Office of Student Judicial Affairs 2013-2014 Annual Report and Statistics

Materials before members are contained in the official meeting file.

Presenter: Deborah Eerkes, Director, Office of Student Judicial Affairs (OSJA)

Purpose of the Proposal: To provide GFC CLRC with the annual report and statistics of Office of Student Judicial Affairs (OSJA) for the 2013-2014 academic year.

Discussion:

Ms Eerkes provided members with highlights from the 2013-14 Office of Student Judicial Affairs (OSJA) Annual Report.

She reported that the majority of cases were non-academic, but the number of cases has decreased from the previous reporting year. She noted that although cases have decreased, that the complexity of the cases are increasing, with much more pre-meeting motions and involvement with lawyers. She stated that very simple cases can take up to 10 hours of work, and that it can go up to as much as 60 hours.

She reported on cases by gender, noting that the data reflects that men are overwhelmingly committing the majority of non-academic offences at the University of Alberta.

She pointed out that misconduct tends to occur in the earlier years of education. She noted that the OSJA is receiving more cases involving graduate students and non-academic offences, which is not typical.

After a brief review of the most common offences, which include Violation of Safety or Dignity and Disruption, she noted that alcohol related incidents have decreased.

She reminded members about the academic integrity videos recently introduced to the OSJA website, noting that they have been viewed 24,000 times so far.

Members, during the discussion in relation to this Report, provided a number of comments and questions, including, but not limited to: clarification regarding the decrease in offences overall but the increase in complexity; clarification regarding data in relation to international students; clarification regarding Residence cases and non-academic offences; clarification regarding academic offences; that the Student Ombudservice is receiving increased graduate student cases involving interpersonal conflicts; that cases do seem to be getting more complex and in certain instances, there is not enough evidence to impose an official sanction.

The Chair thanked Ms Eerkes for the presentation and Report.

5. Annual Report of the Appeals and Compliance Officer (2012-2014)

Materials before members are contained in the official meeting file.

Presenter: Michael Peterson, Appeals and Compliance Officer, University Governance

Purpose of the Proposal: To provide members of GFC CLRC with the annual report of discipline and appeal statistics, as required by GFC policy.

Discussion:

Mr Peterson provided members with a brief introduction of the 2012-14 Annual Report of the Appeals and Compliance Officer, noting that the Report contains information in relation to the University of Alberta appeal system and that the need for fairness in the process is paramount, given that it is the last level of appeal at the University of Alberta, and can be subject to judicial review. He added that the system in place is able to deal with very simple cases or complex cases in a uniform and consistent manner using principles of administrative fairness. He recognized the hard work of the panel members in assisting with this process.

He reported that there has been a substantial increase in both the number of cases as well as the complexity of cases. He stated that he has endeavored to meet with students, Faculties, student advisory groups and other decision-makers to foster more understanding about the process, in an effort to ensure that the processes are effective. He added that the process works best when all parties are appropriately informed.

He reported that there have been two judicial review decisions within the last reporting period, and that both decisions affirmed the fairness of these institutional processes.

He briefly highlighted some of the data within the Report, noting that the most common charges are Cheating and Plagiarism.

During the discussion in relation to this Report, members expressed a number of comments and questions, including, but not limited to: whether all offences get appealed and clarification surrounding the rate of appeal overall; a warning that numbers will be higher next year; clarification about the data pertaining to charges by Faculty; that even reprimands are increasingly being appealed, and that straight-forward cases are being appealed as well; that increased complexity seems to be a theme throughout these Reports, and clarification as to whether this factor has impacted the timeline of the appeal process; that students will sometimes appeal on principle and that the Student Ombudservice spends a lot of time assisting students; that more students seem to proceed with an appeal no matter what the reasoning; that maybe this increased propensity to appeal is part of a cultural shift; clarification about how diversity is reflected on GFC appeal panels.

6. Coalition for Action on High Risk Drinking (CAHRD) 2014 Report and Statistics

Materials before members are contained in the official meeting file.

Presenter: Deborah Eerkes, Director, Office of Student Judicial Affairs (OSJA)

Purpose of the Proposal: To provide GFC CLRC with the report and statistics of the Coalition for Action on High Risk Drinking (CAHRD) for the years of 2011/12, 2012/13, and 2013/14. The report provides information on activities of CAHRD, the state of alcohol use by students at the University of Alberta, and the use of the Check Yourself program.

Discussion:

Ms Eerkes began her presentation by acknowledging that the Report was authored by Ms Jody Wolfe.

She then provided members with a summary in relation to the history of the Coalition for Action on High Risk Drinking (CAHRD), adding that the group has increased in both number of members and diversity of members. She stated that data within the Report reflects CAHRD's activities towards providing a coordinated resource to support the University of Alberta's strategy to address high risk drinking among students.

She noted that there has been evidence that the promotion of the Check Yourself online tool did result in higher numbers of uptake, and that in 2013-2014, 1121 individuals completed Check Yourself, compared to 330 in 2009-2010. She reported that the Check Yourself program has earned commendation from the Province of Alberta.

She stated that the Report also contains information in relation to changes to the alcohol policies within the University of Alberta residences as well as to the University of Alberta Alcohol Policy, and a new initiative called Party Mode, which is being developed by the University Health and Wellness Team, aimed at assisting University of Alberta students to plan safe parties.

Members, during the discussion surrounding this Report, provided a number of comments and questions, including, but not limited to: whether data exists about student drinking rates by Faculty; whether the final recommendations within the Report have a specific timeline, and who would be responsible for implementing them; clarification surrounding dorm-specific participation in Check Yourself.

7. Question Period

There were no questions.

INFORMATION REPORTS

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

There were no items.

9. Information Items Forwarded to Committee Members Between Meetings

There were no items.

CLOSING SESSION

10. Adjournment

The Chair adjourned the meeting at 11:00 a.m.