

The following Motions and Documents were considered by the GFC Campus Law Review Committee at its January 26, 2012 meeting:

Agenda Title: **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)**

APPROVED MOTION: 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.

Final Item: 4

Agenda Title: **Proposed Addition of ‘Hazing’ as a New Offence Under the Code of Student Behaviour**

APPROVED MOTION: 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.

Final Recommended Item: 5

Agenda Title: **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)**

APPROVED MOTION: 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.

Final Recommended Item: 6

OUTLINE OF ISSUE

Agenda Title: **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)**

Motion: 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.

Item

Action Requested	<input checked="" type="checkbox"/> Approval <input type="checkbox"/> Recommendation <input type="checkbox"/> Discussion/Advice <input type="checkbox"/> Information
Proposed by	Frank Robinson, Vice-Provost and Dean of Students
Presenter	Frank Robinson, Vice-Provost and Dean of Students
Subject	Greek Membership Requirements

Details

Responsibility	Provost and Vice-President (Academic) and Vice-Provost and Dean of Students
The Purpose of the Proposal is (please be specific)	To modify the membership requirements for fraternities and sororities to ensure all active members are current students from the University of Alberta.
The Impact of the Proposal is	To change membership requirements for fraternities and sororities to align with the regulations of their national organizations.
Replaces/Revises (eg, policies, resolutions)	Revises 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)
Timeline/Implementation Date	Effective immediately, with existing fraternity and sorority memberships to be grandparented.
Estimated Cost	N/A
Sources of Funding	N/A
Notes	N/A

Alignment/Compliance

Alignment with Guiding Documents	<i>Dare to Discover</i> and <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"> Post-Secondary Learning Act (PSLA): 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. GFC Campus Law Review Committee (CLRC) Terms of Reference–Section 1 (Authority): “GFC has thus established a Campus Law Review Committee (GFC CLRC) ...” GFC Campus Law Review Committee (CLRC) Terms of Reference–Section 3(a) (Mandate of the Committee–Code of Student Behavior): <ol style="list-style-type: none"> To review, from time to time, the Code of Student Behavior and student discipline procedures. On delegated authority from GFC, to approve all editorial

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	<p>amendments to the Code of Student Behaviour except editorial amendments to Section 30.6.</p> <p>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 <i>Amendment of the Code</i>, Section 30.7 of the GFC Policy Manual (Code of Student Behaviour).)”</p> <p>4. Code of Student Behaviour, <u>Amendment of the Code</u>–Section 30.7: [“]</p> <p>30.7.1 <u>Legislative Authority</u> 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>30.7.2 <u>Editorial Amendments</u></p> <p>30.7.2(1) The Campus Law Review Committee (CLRC) decides which amendments are editorial. (CLRC 29 OCT 2004 e-mail vote)</p> <p>30.7.2(2) 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)</p> <p>30.7.2(3) 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>30.7.3 <u>Substantive Amendments</u></p> <p>30.7.3(1) 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)</p> <p>30.7.3(2) 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)</p> <p>30.7.3(3) 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)	Informal discussion at the Council of Student Affairs (COSA), with the working group on changes to the Code of Student Behaviour, the student associations, and multiple Greek organizations, including the Interfraternal Council, Panhellenic Council, and student groups affected by the changes.
Approval Route (Governance) (including meeting dates)	GFC Campus Law Review Committee (for final approval) – January 26, 2012
Final Approver	GFC Campus Law Review Committee

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

1. Attachment 1 (pages 1 – 2): 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*)

Prepared by: Kristen Flath, Student Affairs Officer, kristen.flath@ualberta.ca

Revised: 2/15/2012

Changes to the 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

Current	Proposed	Reason for Change
<p>30.2 General Definitions</p> <p>30.2.18 Financial Services</p> <p>30.2.19 GFC</p> <p>30.2.20 Instructor</p> <p>30.2.21 Malicious Code</p> <p>30.2.22 Permanent Academic Record</p> <p>30.2.23 Practicum Placement</p> <p>30.2.24 Professional Code of Ethics</p> <p>30.2.25 Professional Programs</p> <p>30.2.26 Registrar</p> <p>30.2.27 Respondent</p> <p>30.2.28 Student(s)</p> <p>The word “Student(s)” refers to any of the following:</p> <p>30.2.28(1) a person who is or has been registered as a Student at the University whether or not for credit and includes current Undergraduate and Graduate Students, former Students, and graduates who have received a Degree, diploma or certificate from the University.</p> <p>30.2.28(2) an informal collection of Students who interact with each other, or</p> <p>30.2.28(3) a Student Group.</p> <p>30.2.29 Student Group</p> <p>30.2.30 Student Group Activity</p> <p>30.2.31 Student OmbudService</p> <p>30.2.32 Unit Director</p> <p>30.2.33 University Activities</p> <p>30.2.34 UAB</p> <p>30.2.35 University Community</p> <p>30.2.36 University Officials</p> <p>30.2.37 University-related Functions</p> <p>30.2.38 University Supplies and Documents</p> <p>30.2.39 Working Day</p>	<p>30.2 General Definitions</p> <p><u>30.2.18 Fraternity</u></p> <p><u>A chiefly social and philanthropic organization for men or women, normally designated by Greek letters, and registered as a student group.</u></p> <p><u>30.2.19</u> Financial Services</p> <p><u>30.2.20</u> GFC</p> <p><u>30.2.21</u> Instructor</p> <p><u>30.2.22</u> Malicious Code</p> <p><u>30.2.23</u> Permanent Academic Record</p> <p><u>30.2.24</u> Practicum Placement</p> <p><u>30.2.25</u> Professional Code of Ethics</p> <p><u>30.2.26</u> Professional Programs</p> <p><u>30.2.27</u> Registrar</p> <p><u>30.2.28</u> Respondent</p> <p><u>30.2.29 Sorority</u></p> <p><u>A chiefly social and philanthropic organization for women, normally designated by Greek letters, and registered as a Student Group.</u></p> <p><u>30.2.30</u> Student(s)</p> <p>The word “Student(s)” refers to any of the following:</p> <p><u>30.2.30(1)</u> a person who is or has been registered as a Student at the University whether or not for credit and includes current Undergraduate and Graduate Students, former Students, and graduates who have received a Degree, diploma or certificate from the University.</p> <p><u>30.2.30(2)</u> an informal collection of Students who interact with each other, or</p> <p><u>30.2.30(3)</u> a Student Group.</p> <p><u>30.2.31</u> Student Group</p> <p><u>30.2.32</u> Student Group Activity</p> <p><u>30.2.33</u> Student OmbudService</p> <p><u>30.2.34</u> Unit Director</p> <p><u>30.2.35</u> University Activities</p> <p><u>30.2.36</u> UAB</p> <p><u>30.2.37</u> University Community</p> <p><u>30.2.38</u> University Officials</p> <p><u>30.2.39</u> University-related Functions</p>	<p>The addition of two definitions – Fraternity and Sorority – to align with changes to 30.8.2 Appendix 1.</p>

Changes to the 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

Current	Proposed	Reason for Change
	<p><u>30.2.40</u> University Supplies and Documents</p> <p><u>30.2.41</u> Working Day</p>	
<p>30.8 Appendix 1 – Registration of Student Groups</p> <p>The University recognizes that participation in the activities of Student Groups [30.2.28(3) and 30.2.29]</p> <p>...</p> <p>As indicated in 30.2.28, the term Student as used in the Code includes both individuals and groups.</p>	<p>30.8 Appendix 1 – Registration of Student Groups</p> <p>The University recognizes that participation in the activities of Student Groups [<u>30.2.30(3)</u> and <u>30.2.31</u>]</p> <p>...</p> <p>As indicated in <u>30.2.30</u>, the term Student as used in the Code includes both individuals and groups.</p>	<p>To correspond with the renumbering of 30.2 General Definitions</p>
<p>30.8.2 Requirements for Registration</p> <p>30.8.2(1) b</p> <p>That a minimum of two-thirds of the total membership, and 75% of the executive, are registered as part-time or full-time Students during the current academic year. The Dean of Students may, on a case by case basis, make exceptions for groups in which the alumni membership exceeds the requirements stated above.</p>	<p>30.8.2 Requirements for Registration</p> <p>30.8.2(1) b</p> <p>That a minimum of two-thirds of the total membership, and 75% of the executive, are registered as part-time or full-time Students during the current academic year. <u>In the instance of Fraternities and Sororities the total membership must be composed entirely of part-time and/or full-time Students registered during the current academic year.</u> The Dean of Students may, on a case by case basis, make exceptions for groups in which the alumni membership exceeds the requirements stated above.</p>	<p>To align with existing regulations within Fraternities and Sororities on campus and to standardize requirements across this group. Also to provide a greater level of accountability to the University that corresponds with a higher level of functionality and activity.</p>

OUTLINE OF ISSUE

Agenda Title: **Proposed Addition of ‘Hazing’ as a New Offence Under the Code of Student Behaviour**

Motion: 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.

Item

Action Requested	<input type="checkbox"/> Approval <input checked="" 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	The addition of ‘Hazing’ as a new offence under the Code of Student Behaviour

Details

Responsibility	Provost and Vice-President (Academic)
The Purpose of the Proposal is (please be specific)	To define ‘hazing’ and specify it as an offence under the Code of Student Behaviour.
The Impact of the Proposal is	To remove ambiguity about hazing behaviours and to provide an anchor for educational campaigns.
Replaces/Revises (eg, policies, resolutions)	Code of Student Behaviour Section 30.3.4 (Inappropriate Behaviour towards Individuals or Groups).
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 <u>quote</u> legislation and include identifying section numbers)	<ol style="list-style-type: none"> Post-Secondary Learning Act (PSLA): 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. GFC Campus Law Review Committee (CLRC) Terms of Reference–Section 1 (Authority): “GFC has thus established a Campus Law Review Committee (GFC CLRC) ...” GFC Campus Law Review Committee (CLRC) Terms of Reference–Section 3(a) (Mandate of the Committee–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.

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	<p>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 <i>Amendment of the Code</i>, Section 30.7 of the GFC Policy Manual (Code of Student Behaviour).)”</p> <p>4. Code of Student Behaviour, <u>Amendment of the Code</u>–Section 30.7: [“]</p> <p>30.7.1 <u>Legislative Authority</u> 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>30.7.2 <u>Editorial Amendments</u> 30.7.2(1) The Campus Law Review Committee (CLRC) decides which amendments are editorial. (CLRC 29 OCT 2004 e-mail vote) 30.7.2(2) 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) 30.7.2(3) 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>30.7.3 <u>Substantive Amendments</u> 30.7.3(1) 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) 30.7.3(2) 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) 30.7.3(3) 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)	<u>October, 2011 to the Present:</u> Athletics, Residence Services, Student OmbudService (SOS), University of Alberta Protective Services (UAPS), Risk Management, Office of the Dean of Students, Helping Individuals at Risk (HIAR) Coordinator and Office of Safe Disclosure and Human Rights, Students’ Union (SU), Graduate Students’ Association (GSA), Office of the Registrar, Professor Wayne Renke (Faculty of Law), Campus Recreation, Office of General Counsel
Approval Route (Governance) (including meeting dates)	GFC Campus Law Review Committee (for recommendation) – January 26, 2012;

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	GFC Executive Committee (for final approval, if the Committee concurs; if not, this item would then be recommended on to General Faculties Council) – February 6, 2012
Final Approver	GFC Executive Committee

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

1. Attachment 1 (page 1): Proposed Addition of 'Hazing' as a New Offence Under the Code of Student Behaviour

Prepared by: Deborah Eerkes, Director, Office of Student Judicial Affairs; deerkes@ualberta.ca

Revised: 2/15/2012

Definition of **Hazing** for the Code of Student Behaviour

30.3.4 Inappropriate Behaviour towards Individuals or Groups

[...]

30.3.4(7) Hazing

30.3.4(7)a No Student shall organize, participate or engage in the hazing of another person, regardless of whether the individual who is the subject of the hazing has consented to participate in or be subjected to the activities in question, or whether the activities in question constitute a ritual or tradition of an organization.

30.3.4(7) b “Hazing” means the creation of an environment or any intentional, reckless or negligent act, by a Student, that occurs on or off University property, that

- i. endangers the physical health, mental health or safety of another person; or
- ii. produces physical or mental discomfort, embarrassment, humiliation, harassment, or ridicule; or
- iii. results in the destruction, damage or removal of any public or private property; or
- iv. causes, induces, pressures, coerces, or requires another person to violate any federal, provincial, municipal or University regulations;

for purposes that include, but are not limited to, initial or continued admission, affiliation or initiation with any Student Group, athletic team, or any formal or informal organization in the University Community. Examples of hazing include, but are not limited to: any brutality of a physical nature, such as whipping, beating, branding, paddling, or electric shocks, exercise not legitimately related to a sport, forced consumption of alcohol or other substances, inappropriate exposure to the elements, compulsory nudity or immodest dress, transportation and abandonment, threats or implied threats, verbal abuse, physical or psychological abuse, sleep deprivation, physical confinement, coerced hazing of another, compulsory servitude, degrading activities, sexual simulation, sexual assault, or theft or misuse of others' property.

OUTLINE OF ISSUE

Agenda Title: **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)**

Motion: 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.

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	Removing references to the <i>Freedom of Information and Protection of Privacy (FOIPP) Act</i> from the Code of Student Behaviour

Details

Responsibility	Provost and Vice-President (Academic)
The Purpose of the Proposal is (please be specific)	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.
The Impact of the Proposal is	To remove confusion and tension between FOIPP and natural justice.
Replaces/Revises (eg, policies, resolutions)	N/A
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"> Post-Secondary Learning Act (PSLA): 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. GFC Campus Law Review Committee (CLRC) Terms of Reference–Section 1 (Authority): “GFC has thus established a Campus Law Review Committee (GFC CLRC)” GFC Campus Law Review Committee (CLRC) Terms of Reference–Section 3(a) (Mandate of the Committee–Code of Student Behavior):

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	<p>“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. 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 <i>Amendment of the Code</i>, Section 30.7 of the GFC Policy Manual (Code of Student Behaviour).)”</p> <p>4. Code of Student Behaviour, <u>Amendment of the Code</u>–Section 30.7: [“] 30.7.1 Legislative Authority 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>30.7.2 Editorial Amendments 30.7.2(1) The Campus Law Review Committee (CLRC) decides which amendments are editorial. (CLRC 29 OCT 2004 e-mail vote) 30.7.2(2) 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) 30.7.2(3) 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>30.7.3 Substantive Amendments 30.7.3(1) 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) 30.7.3(2) 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) 30.7.3(3) 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)	<p><u>June, 2012 to the Present:</u> Harry Davis, Cathy Anne Pachnowski (Information and Privacy Office (IPO)); Brad Hamdon, Marie Strauss (Office of General Counsel); Joanna Harrington (Faculty of Graduate Studies and Research (FGSR));</p>
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	Tom Hidson, Ada Schmude (Office of the Registrar); Iva Spence, (University Governance); Elaine Geddes (Associate Dean, Faculty of Business, and Member, GFC Academic Standards Committee (ASC)); Students' Union (SU) and Graduate Students' Association (GSA)
Approval Route (Governance) (including meeting dates)	GFC Campus Law Review Committee (for final approval) – January 26, 2012
Final Approver	GFC Campus Law Review Committee

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

1. Attachment 1 (page 1): 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)

Prepared by: Deborah Eerkes, Director, Office of Student Judicial Affairs (OSJA); deerkes@ualberta.ca

Revised: 2/15/2012

FOIPP Act in the Code of Student Behaviour

CURRENT	PROPOSED	RATIONALE
<p><u>30.1.1 Rights Under the Code of Student Behaviour</u></p> <p>30.1.1(2) Subject to any restrictions imposed under the <i>Freedom of Information and Protection of Privacy Act</i>, any person who claims to have been physically injured, discriminated against or harassed by a Student accused of an offence under this Code, whether or not that person is a Complainant, has the right</p> <p>...</p>	<p><u>30.1.1 Rights Under the Code of Student Behaviour</u></p> <p>30.1.1(2) Any person who claims to have been physically injured, discriminated against or harassed by a Student accused of an offence under this Code, whether or not that person is a Complainant, has the right</p> <p>...</p>	<p>All records in the custody or under the control of the University are subject to the FOIPP Act, whether or not the Act is mentioned in the policy. Explicitly referring to it in the COSB erroneously gives the impression that requests for information relating to a discipline record must be made to the Information and Privacy Office. On the contrary, requests for information on Discipline Records should be made to the office of record (i.e. the office from which the record originated), and should be provided in accordance with the principles of natural justice.</p>
<p><u>30.6.4 Procedures Prior to a Hearing</u></p> <p>30.6.4(13) In accordance with the <i>Freedom of Information and Protection of Privacy Act</i>, the Appeals Coordinator shall make certain that both parties have access to the Student's or Applicant's discipline file held in the Office of the Discipline Officer, Dean's Office, the Director of University of Alberta Protective Services' Office, the Registrar's Office or the Unit Director's Office, up until the time of an appeal hearing. (CLRC 29 MAY 2003) (EXEC 01 MAY 2006)</p>	<p><u>30.6.4 Procedures Prior to a Hearing</u></p> <p>30.6.4(13) The Appeals Coordinator shall make certain that both parties have access to the Student's or Applicant's Discipline File held in the Office of <u>Student Judicial Affairs</u>, Dean's Office, the Director of University of Alberta Protective Services' Office, the Registrar's Office or the Unit Director's Office, up until the time of an appeal hearing. (CLRC 29 MAY 2003) (EXEC 01 MAY 2006)</p>	<p>Holders of records should exercise caution in disclosing third party personal information. Should assistance be needed, or if questions related to FOIPP arise, the Information and Privacy Office is available for consultation.</p> <p>Note: Records obtained pursuant to a FOIPP request are severed in accordance with the FOIPP Act. Unsevered or minimally unsevered records are available through natural justice procedures when someone needs to make a case or defend oneself against allegations.</p> <p>Also clarifies which record is available to Student/Applicant.</p>