

The following Motions and Documents were considered by the GFC Campus Law Review Committee at its April 25, 2013 meeting:

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Agenda Title: **'Class' and 'Class Disruption': Proposed Changes to the Code of Student Behaviour**

APPROVED MOTION: THAT the GFC Campus Law Review Committee approve, under delegated authority from General Faculties Council, proposed revisions to Sections 30.2.9, 30.3.6(6), 30.4.3(1)(a), and 30.5.3 of 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 Item: 4

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Agenda Title: **Harassment and Discrimination Definitions in the Code of Student Behaviour – Proposed Revisions to Accord with UAPPOL Policy**

APPROVED MOTION: THAT the GFC Campus Law Review Committee approve, under delegated authority from General Faculties Council, proposed revisions to Section 30.3.4 (Inappropriate Behaviour towards Individuals and Groups) of 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, as amended, to take effect upon final approval.

Final Amended Item: 5

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### OUTLINE OF ISSUE

Agenda Title: **‘Class’ and ‘Class Disruption’: Proposed Changes to the Code of Student Behaviour**

**Motion:** THAT the GFC Campus Law Review Committee approve, under delegated authority from General Faculties Council, proposed revisions to Sections 30.2.9, 30.3.6(6), 30.4.3(1)(a), and 30.5.3 of 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 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, OSJA
Subject	Updating sections of the Code regarding ‘Class’ and ‘Class Disruption’ and some general ‘housekeeping’ revisions

#### Details

Responsibility	Provost and Vice-President (Academic)
The Purpose of the Proposal is (please be specific)	To update the Code of Student Behaviour sections that deal with the definitions of ‘Class’ (Section 30.2.9) and ‘Class Disruption’ (Sections 30.4.3(1)a and 30.5.3) as well as some housekeeping items.
The Impact of the Proposal is	Clarifies and updates the Code to include appropriate reference to online classes.
Replaces/Revises (eg, policies, resolutions)	Sections 30.2.9, 30.3.6(6), 30.4.3(1)(a), and 30.5.3 of the Code of Student Behaviour.
Timeline/Implementation Date	Upon final approval.
Estimated Cost	N/A
Sources of Funding	N/A
Notes	N/A

#### Alignment/Compliance

Alignment with Guiding Documents	<i>Dare to Discover, 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"> <li>1. <b>Post-Secondary Learning Act (PSLA):</b> 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.</li> <li>2. <b>GFC Campus Law Review Committee (CLRC) Terms of Reference–Section 1 (Authority):</b> “GFC has thus established a Campus Law Review Committee (GFC CLRC) ...”</li> <li>3. <b>GFC Campus Law Review Committee (CLRC) Terms of Reference–Section 3(a) (Mandate of the Committee–Code of Student Behavior):</b> <ol style="list-style-type: none"> <li>“1. To review, from time to time, the Code of Student Behavior and student discipline procedures.</li> <li>2. On delegated authority from GFC, to approve all editorial amendments to the Code of Student Behaviour except editorial amendments to Section 30.6.</li> </ol> </li> </ol>

	<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><b>4. Code of Student Behaviour, <u>Amendment of the Code</u>–Section 30.7: [“]</b></p> <p><b>30.7.1 <u>Legislative Authority</u></b> 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><b>30.7.2 <u>Editorial Amendments</u></b> <b>30.7.2(1)</b> The Campus Law Review Committee (CLRC) decides which amendments are editorial. (CLRC 29 OCT 2004 e-mail vote) <b>30.7.2(2)</b> 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) <b>30.7.2(3)</b> 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><b>30.7.3 <u>Substantive Amendments</u></b> <b>30.7.3(1)</b> 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) <b>30.7.3(2)</b> 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) <b>30.7.3(3)</b> 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)	COSB Review Working Group, Student OmbudService, Faculty of Extension, Office of General Counsel, Students’ Union, Graduate Students’ Association, University Governance
Approval Route (Governance) (including meeting dates)	GFC Campus Law Review Committee (for final approval) – April 25, 2013
Final Approver	GFC Campus Law Review Committee

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

1. Attachment 1 (pages 1 – 3) – Comparative Table of Proposed Changes to the Code of Student Behaviour

*Prepared by:* Deborah Eerkes, Director, Office of Student Judicial Affairs, [deerkes@ualberta.ca](mailto:deerkes@ualberta.ca)

## Class Disruption

Current	Proposed	Rationale
<p><b>30.2.9 Class</b></p> <p>A period of instruction including a lecture, a laboratory, a seminar, a tutorial, <del>field experience,</del> examination, etc.</p>	<p><b>30.2.9 Class</b></p> <p>A <u>formal</u> period of instruction including, but not limited to: a lecture, a laboratory, a seminar, a tutorial, <u>an examination, or a period of instruction within a field experience or an online course.</u></p>	<p>Field experiences and online courses are structured differently than in-person Classes. Need to indicate that they are also considered Classes without tying an Instructor's hands.</p>
<p><b>30.3.6(6) Smoking</b></p> <p>No Student shall smoke <del>during Class</del> or at any time in any area of the University where smoking is banned.</p>	<p><b>30.3.6(6) Smoking</b></p> <p>No Student shall smoke at any time in any area of the University where smoking is banned.</p>	<p>No longer necessary to single out Class as a place not to smoke.</p>
<p><b>30.4.3(1) Minor Sanctions</b></p> <p><b>30.4.3(1) a</b> Instructors have the authority to dismiss a Student from Class for no more than 3 hours of Class time for <del>Disruption</del> of a Class. In cases where a single class meeting is longer than 3 hours, the student may be <del>excluded</del> from that entire class. See 30.3.4(1) (CLRC 28 FEB 2002) (CLRC 30 MAY 2002)</p>	<p><b>30.4.3(1) Minor Sanctions</b></p> <p><b>30.4.3(1) a</b> Instructors have the authority to dismiss a Student from Class for no more than 3 hours of Class time for <u>disturbing, disrupting or otherwise interfering with</u> a Class. In cases where a single class meeting is longer than 3 hours, the <u>Student</u> may be <u>dismissed</u> from that entire class. <u>In the case of an online course, the Instructor may bar the Student from any online activities related to the Class for a maximum of one week, or equivalent to 3 hours in-class time.</u> See 30.3.4(1) (CLRC 28 FEB 2002) (CLRC 30 MAY 2002)</p>	<p>Mirrors language in 30.5.3(1)</p> <p>Exclusion is a defined Intermediate Sanction under the Code – not available to Instructors.</p>

<p><b>30.5.3 Procedures for Instructors in Cases Respecting Class Disruptions</b></p> <p><b>30.5.3(1)</b> When a Student disturbs, disrupts, or otherwise interferes with <del>classroom activities,</del> the Instructor may immediately <del>exclude</del> the Student from the <del>course for that particular</del> Class meeting and subsequent meetings not to exceed 3 hours of instruction in total. In cases where a single class meeting is longer than 3 hours the student may be <del>excluded</del> from that entire class. (CLRC 22 APR 2002) (CLRC 30 MAY 2002)</p> <p><b>30.5.3(2)</b> The Instructor shall <del>talk to</del> the Dean about the incident as soon as possible after the event occurred, <del>and the Instructor shall inform the Dean about the incident,</del> normally within 2 Working Days.</p> <p><b>30.5.3(3)</b> If the Student <del>again</del> engages in the behaviour described in 30.5.3(1) <del>when re-admitted to</del> Class, the Instructor may again immediately <del>exclude</del> the Student from the Class. <del>However,</del> the Instructor must <del>then lay a charge against the Student under the Code.</del> The</p>	<p><b>30.5.3 Procedures for Instructors in Cases Respecting Class Disruptions</b></p> <p><b>30.5.3(1)</b> When a Student disturbs, disrupts, or otherwise interferes with <u>a Class,</u> the Instructor may immediately <u>dismiss</u> the Student from the Class meeting and subsequent meetings not to exceed 3 hours of instruction. <u>In the case of an online course, the Instructor may bar the Student from any online activities related to the Class for a maximum of one week, or equivalent to 3 hours in-class time.</u> In cases where a single <u>Class</u> meeting is longer than 3 hours the student may be <u>dismissed</u> from that entire <u>Class.</u> (CLRC 22 APR 2002) (CLRC 30 MAY 2002)</p> <p><b>30.5.3(2)</b> The Instructor shall <u>inform</u> the Dean about the incident as soon as possible after the event occurred, normally within 2 Working Days.</p> <p><b>30.5.3(3)</b> If the Student engages in the behaviour described in 30.5.3(1) <u>after resuming Class,</u> the Instructor may again immediately <u>dismiss</u> the Student from the Class, <u>in which case the Instructor must report that violation to the Dean</u> and provide a written statement of</p>	<p>Keeping language consistent.</p> <p>Redundant</p> <ul style="list-style-type: none"> <li>- To avoid confusion with “readmission”</li> <li>- Exclusion is a defined intermediate sanction not available to Instructors.</li> <li>- Instructors do not “lay charges” under the Code.</li> <li>- It is more appropriate for the</li> </ul>
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<p>Instructor shall talk with the Dean (and the Director of UAPS, if appropriate) as soon as possible after the second dismissal and provide a written statement of both incidents within 2 Working Days.</p> <p><del>30.5.3(4) — The Student's Exclusion from the Class shall remain in effect until the Dean, the Discipline Officer or the UAB reaches a final decision.</del></p> <p><del>30.5.3(5) If a Student is reinstated by a decision of the Dean, the Discipline Officer or the UAB, such decision shall not invalidate the prior action of the Instructor. The Dean or Department Chair shall, however, ensure that every effort is made to make up the Student's lost Class time, but the University shall not be held legally responsible for any lost Class time.</del></p> <p><del>30.5.3(6) — The Dean shall follow the procedures in 30.5.7 or the Discipline Officer shall follow the procedures in 30.5.8 in dealing with the allegations against the Student.</del></p>	<p>the details of both incidents normally within 2 Working Days.</p> <p>Delete</p> <p><u>30.5.3(4) The Dean shall follow the procedures set out in 30.5.7. The Dean shall contact the Director of UAPS for incidents that fall outside of the Dean's authority, as outlined in 30.5.7(1).</u></p> <p><del>30.5.3(5) If the Dean, Discipline Officer or UAB find that the student did not violate the Code, such decision shall not invalidate the prior action of the Instructor. The Dean shall, however, ensure that every effort is made to make up the Student's lost Class time, but the University shall not be held legally responsible for any lost Class time.</del></p>	<p>Dean to contact the Director of UAPS.</p> <p>A dismissal will never be more than a week in length; unlikely that a decision could be made by the Dean before the expiry of the dismissal.</p> <p>The Dean can enlist whatever assistance (Dept. Chair, Grad Coordinator, Instructor) necessary to achieve this.</p> <p>Moved up to 30.6.5(4)</p>
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**OUTLINE OF ISSUE**

Agenda Title: **Harassment and Discrimination Definitions in the Code of Student Behaviour – Proposed Revisions to Accord with UAPPOL Policy**

**Motion:** THAT the GFC Campus Law Review Committee approve, under delegated authority from General Faculties Council, proposed revisions to Section 30.3.4 (Inappropriate Behaviour towards Individuals and Groups) of 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, as amended, 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, OSJA
Subject	Updating sections of the Code of Student Behaviour regarding 'Harassment and Discrimination'

**Details**

Responsibility	Provost and Vice-President (Academic)
The Purpose of the Proposal is (please be specific)	To update the Code of Student Behaviour definitions of 'Harassment and Discrimination' so that they accord with the new UAPPOL Discrimination, Harassment and Duty to Accommodate Policy.
The Impact of the Proposal is	Brings the Code into line with the newly-approved UAPPOL Discrimination, Harassment and Duty to Accommodate Policy.
Replaces/Revises (eg, policies, resolutions)	Definitions in Code Section 30.3.4 (Inappropriate Behaviour towards Individuals or Groups).
Timeline/Implementation Date	Upon final approval.
Estimated Cost	N/A
Sources of Funding	N/A
Notes	N/A

**Alignment/Compliance**

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



	<p>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. <b>Code of Student Behaviour, <u>Amendment of the Code</u>–Section 30.7: [“]</b></p> <p><b>30.7.1 <u>Legislative Authority</u></b> 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><b>30.7.2 <u>Editorial Amendments</u></b> <b>30.7.2(1)</b> The Campus Law Review Committee (CLRC) decides which amendments are editorial. (CLRC 29 OCT 2004 e-mail vote) <b>30.7.2(2)</b> 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) <b>30.7.2(3)</b> 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><b>30.7.3 <u>Substantive Amendments</u></b> <b>30.7.3(1)</b> 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) <b>30.7.3(2)</b> 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) <b>30.7.3(3)</b> 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)	COSB Review Working Group, Student OmbudService, Specialized Support and Disability Services (SSDS), University Governance, Office of General Counsel, Office of Safe Disclosure and Human Rights
Approval Route (Governance) (including meeting dates)	GFC Campus Law Review Committee (for final approval) – April 25, 2013
Final Approver	GFC Campus Law Review Committee

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

1. Attachment 1 (pages 1 – 4) – Comparative Table of Proposed Changes to the Code of Student Behaviour

*Prepared by:* Deborah Eerkes, Director, Office of Student Judicial Affairs, [deerkes@ualberta.ca](mailto:deerkes@ualberta.ca)

## Harassment and Discrimination

Current	Proposed	Rationale
<p><b>30.3.4 Inappropriate Behaviour towards Individuals or Groups</b></p> <p><b>30.3.4(2) Discrimination</b></p> <p>30.3.4(2) a No Student shall discriminate against any person or class of persons while participating in University Activities or University-related Functions.</p> <p><del>30.3.4(2)b “‘Discrimination’ is any act or omission based on race, religious beliefs, colour, gender, physical disability, mental disability, marital status, age, ancestry, place of origin, family status, source of income, sexual orientation or political belief when that act or omission results in loss of or limit on opportunities to work or to fully participate in campus life or which offends the dignity of the person. Discrimination draws distinctions between individuals based on irrelevant personal</del></p>	<p><b>30.3.4 Inappropriate Behaviour towards Individuals or Groups</b></p> <p><b>30.3.4(2) Discrimination</b></p> <p>30.3.4(2) a No Student shall discriminate against any person or <u>group</u> of persons while participating in University Activities or University-related Functions. <u>Discrimination is defined in the Discrimination, Harassment and Duty to Accommodate Policy in UAPPOL.</u>  <a href="https://policiesonline.ualberta.ca/PoliciesProcedures/Policies/Discrimination-Harassment-and-Duty-to-Accommodate-Policy.pdf">https://policiesonline.ualberta.ca/PoliciesProcedures/Policies/Discrimination-Harassment-and-Duty-to-Accommodate-Policy.pdf</a> )</p>	<p>Updating the Code to incorporate the new Discrimination, Harassment and Duty to Accommodate Policy.</p>

<p>characteristics—that result in disadvantage to some individuals that are not imposed on—others. Discrimination—may be one incident or a series of incidents. It may affect individuals or groups. It may take the form of denying an individual or group rights or privileges to which—they—are entitled.” See also the University of Alberta Discrimination—and Harassment Policy § 44—<i>GFC—Policy Manual.</i></p>		
<p><b>30.3.4(6) Violations of Safety or Dignity</b></p> <p>30.3.4(6) a No Student shall have sexual or physical contact with another person without that person’s consent.</p> <p>30.3.4(6) b No Student shall physically abuse another person, threaten any other person with physical abuse or cause any other person to fear physical abuse.</p> <p>30.3.4(6) c No Student shall create a condition which</p>	<p><b>30.3.4(6) Violations of Safety or Dignity</b></p> <p>30.3.4(6) a No Student shall have sexual or physical contact with another person without that person’s consent.</p> <p>30.3.4(6) b No Student shall physically abuse another person, threaten any other person with physical abuse or cause any other person to fear physical abuse.</p> <p>30.3.4(6) c No Student shall create a condition which endangers or potentially endangers or threatens the</p>	<p>Updating the Code to incorporate the new Discrimination, Harassment and Duty to Accommodate Policy.</p>

<p>endangers or potentially endangers or threatens the health, safety or well being of other persons.</p> <p>30.3.4(6) d No Student shall harass or sexually harass another person.</p> <p>30.3.4(6) d. i ————  “ ‘Harassment’ is conduct or comment that is intimidating, threatening, demeaning, or abusive and may be accompanied by direct or implied threats to grade(s), status, or job. Harassment can occur between people of differing authority or between people of similar authority. Harassment may be directed at an individual or at a group. Harassment has the impact of creating a work or study environment that is hostile and limits individuals in their pursuit of education, research, or work goals. The behaviour that constitutes Harassment may be physical or psychological in nature. It may be one incident or a series of incidents. It may</p>	<p>health, safety or well being of other persons.</p> <p>30.3.4(6) d No Student shall harass another person. <u>Harassment is defined in the Discrimination, Harassment and Duty to Accommodate Policy in UAPPOL, and includes Harassment, Bullying, Sexual Harassment and Racial Harassment.</u> (<a href="https://policiesonline.ualberta.ca/PoliciesProcedures/Policies/Discrimination-Harassment-and-Duty-to-Accommodate-Policy.pdf">https://policiesonline.ualberta.ca/PoliciesProcedures/Policies/Discrimination-Harassment-and-Duty-to-Accommodate-Policy.pdf</a> )</p>	
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<p>affect individuals or groups. It may take the form of denying an individual or a group rights or privileges to which they are entitled.” See also the University of Alberta Discrimination and Harassment Policy § 44 GFC Policy Manual. 30.3.4(6) d. ii ————”Sexual Harassment” is defined as unsolicited, unwanted sexual advances; requests for or offers of sexual favours; unsolicited, unwanted verbal or physical conduct of a sexual nature; and unsolicited, unwanted written, oral or visual material of a sexual nature.</p>		
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