

2018/19 Annual Report of Student Conduct Responses

Dean of Students' Portfolio
2018- 2019 Academic Year

October 2019



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Introduction

This report covers non-academic¹ behaviour as addressed across the Dean of Students' portfolio for the 2018/19 academic year. It is organized by relevant policy, including the *Residence Community Standards*, Residence Agreement (i.e. rental contract), *Code of Student Behaviour*, *Sexual Violence Policy*, and the GFC Protocol for *Urgent Cases of Disruptive, Threatening or Violent Behaviour*.

Units within the Dean of Students' portfolio also work closely with Helping Individuals At Risk (HIAR) to provide the necessary supports to students whose behaviour causes concern but does not constitute misconduct. This report details only those incidents that arise from misconduct, as defined in the relevant policies.

Three year trends, where available, are provided in Appendix A.

Residence Community Standards Policy

[Policy Link](#)

Focus: Restorative Justice

Administered by: Residence Life

Time period of report: May 1, 2018 - August 31, 2019

The *Residence Community Standards Policy* addresses both resident misconduct and resident conflict restoratively. Only students in residence are subject to this policy, which provides a framework to recognize and prevent unacceptable behaviour in the Residence community and resolve the issues in a positive and constructive way. Rather than defining offences, the framework focuses on the effects of misconduct on the community. In doing so, it allows residents to identify and repair harms, and build trust in the community.

Restorative responses include Community Resolutions (a restorative conversation between staff and responsible student), Restorative Meetings (facilitated discussion between a harmed person and a responsible student), and Restorative Conferences (facilitated discussion with multiple parties, including those harmed, responsible student(s) and relevant community members). The desired outcome, a Restorative Agreement, is highly personalized and specific to the needs of those directly involved.

Engaging with the Restorative Justice (RJ) program is voluntary. If for any reason RJ is not available or appropriate, the University will use one of the other available processes to resolve the issue (*Code of Student Behaviour and/or Breach of Residence Agreement*) without prejudice. When a Restorative Agreement is reached and fulfilled, the matter is considered to be closed and no other University process is applied. If a student fails to meet the agreed repairs, they are considered in breach of their Residence Agreement.

Potential outcomes:

Restorative Agreement or no Restorative Agreement

For the 2018/2019 academic year:	
Community Resolution	568
Apology Letter	5
Behavioural Agreement	24
Restitution	28

¹ For information related to academic misconduct, see the report of the Appeals and Compliance Officer.

Breach of Residence Agreement

Focus: Breach of contract

Administered by: Residence Services

Time period of report: May 1, 2018 - August 31, 2019

The Residence Agreement is the rental contract between the student (as tenant) and the University (as landlord). It lays out the terms of the rental, including rent, payment, maintenance, and behaviour. Evictions under the Breach of Residence Agreement can be behaviourally-based, or can be a result of other factors.

A behaviour that leads to a Breach of Residence Agreement may also be addressed under the *Code of Student Behaviour* and/or the *Protocol for Urgent Cases of Disruptive, Threatening, or Violent Conduct*.

Potential outcomes:

Letter expectations, letter of warning, eviction, or visiting restriction

Notable Trends in Residence:

1. A quarter of all incidents were related to alcohol consumption in the 2018/19 year.
2. There was also a significant increase in the number of smoking-related incidents (80 of the 921 incidents involved smoking infractions, up 31% from last year).
3. Trespassing, or unaffiliated presence, accounted for 35 of the incidents. As a security measure, many of the doors in HUB have been changed to resident-only access.
4. Of the 921 incidents, 3.5% stemmed from petty crime (22 theft, 10 vandalism).

For the 2018/2019 academic year:	
Behavioural Expectations/ Warning letter	21
Damage/Cleaning Charge	6
Eviction	6
Visiting Restriction	4

Residence Notes:

1. The data management system currently in use in Residence Services restricts the ability to differentiate between the *Community Standards* and the Breach of Residence Agreement processes. In addition, there is limited capacity to search the data by certain criteria, making it difficult to present meaningful data. A new data management system has been implemented as of September 2019.
2. There were 921 unique incidents in the time period of this report, down from 1134 in 2017/18. Those incidents included misconduct, first aid, mental health (students of concern), maintenance and operations.

Focus: Student Non-academic misconduct in residence at Augustana Campus

Administered by: Augustana Residence Life

Time period of report: July 1, 2018 - June 30, 2019

Preamble:

"The purpose of the *Residence Community Standards (Community Standards)* is to supplement the *Code [of Student Behaviour]* and Guidelines with specific reference to the rights and responsibilities to be shared by all residents in order to maintain a high standard of cooperative living, tolerance and compromise."

Potential outcomes:

Fine, suspension of computer account, disconnection of network services, restitution, emergency suspension from residence, exclusion, disciplinary probation, or eviction

Notes:

1. There were a total of 19 unique incidents in Augustana Residence in the reporting period, involving 60 students.
2. All 33 of the disciplinary fines were waived in favour of alternative resolutions, including 19 notations on file, 6 educational alternatives and 8 restorative outcomes.
3. There were a total of 14 unique incidents with Restorative conversations at the RA level involving 13 students.
4. "*Augustana's Community standards* are in transition over the next three years to a new format applicable to all University of Alberta Residences. During this period, Restorative Practices will begin to be used primarily for Community Resolutions and some Restorative Meetings. Resident Rights and Responsibilities will become the main focus for conversations around student behaviour and the current administrative structure will be used when Restorative Practices are not appropriate. Over time, *Augustana's Community standards* will become the framework for a new set of house rules and procedures under the Residence Agreement."²

For the 2018/2019 academic year:		
Fine (waived) 33 total	File notation	19
	Educational alternative	6
	Restorative outcome	8
Suspension of computer account		0
Disconnection of network services		0
Restitution		0
Emergency suspension from residence		0
Exclusion		0
Disciplinary probation		0
Eviction		0
Student moved to another residence		0
Voluntary conditions		3

² Augustana Residence Community Standards, 2018.

Code of Student Behaviour

[Policy Link](#)

Focus: Student non-academic discipline

Administered by: Student Conduct & Accountability (SCA)

Time period of report: July 1, 2018 - June 30, 2019

Preamble:

The *Code of Student Behaviour* addresses misconduct as defined under the *Code*. It applies to all Students (also as defined under the *Code*). In order for a Student to be sanctioned under the *Code*, a number of conditions must be met:

1. The University must have jurisdiction to act (i.e. there is a “real and substantial link” between the misconduct and “the University, University Activities, the University Community, or University-related Functions.”)
2. It must be established, on a balance of probabilities, that the Student under allegation committed the misconduct at issue; and
3. The misconduct must meet the definition of one or more offence under the *Code*.

The offences are broadly defined to encompass a variety of behaviours. Because the differences can be significant, the *Code* also defines available sanctions, ranging from a written Reprimand through Expulsion. The Discipline Officers, located in SCA, are responsible to ensure that the severity of the sanction(s) is proportionate and commensurate with the seriousness of the misconduct, taking into account any aggravating or mitigating factors in each case.

Behaviours that lead to *Code of Student Behaviour* charges can also lead to Breach of Residence Agreement and/or *Protocol for Urgent Cases of Disruptive, Threatening, or Violent Conduct*.

The numbers below refer to non-academic³ misconduct only. Complaints are investigated by UAPS and referred to SCA with recommendations for charges and sanctions. Any one case can involve multiple charges and/or multiple sanctions.

Potential outcomes:

Sanctions for non-academic misconduct, including Conduct Probation, Exclusion (partial or total; time-limited or indefinite) Expulsion, Fine, Reprimand, Restitution, Suspension for up to three years and Suspension of specified University Services and Resources (essential or non-essential; time-limited or indefinite).

Total non-academic cases in 2018/19:

17 (up 31% from 2017/18)

Non-academic Charges ⁴ considered:		
Disruption		0
Dissemination of Malicious Material		1
Violations of Safety or Dignity 20 total	Physical/sexual contact	0
	Physical abuse/threats	2
	Creating a condition	7
	Harassment/Sexual harassment	5
	Verbal/written threats	0
Damage to Property		1
Unauthorized use		3
Alcohol		1

Sanctions:	
Expulsion	1
Suspension	1
Conduct Probation	12
Exclusion	1
Restitution	0
Fine	2
Reprimand	2
Suspension of services	1

³ Note that the Discipline Officers also make decisions in cases of academic misconduct when a Dean (or designate) recommends a Severe Sanction. Please see the report from the Appeals and Compliance Officer for information on academic misconduct.

⁴ See the *Code of Student Behaviour* for complete definitions of Offences.

Notable trends:

1. Students sanctioned for non-academic misconduct under the *Code* were overwhelmingly male (14 of the 17, or 82% in 2018/19).
2. One of the 17 cases would be classified as Sexual Violence⁵ under the new policy.
3. Three of the students referred to SCA for non-academic misconduct self-reported mental health issues.
4. Six students of the 17, or 35%, referred to SCA for non-academic misconduct were international students (as compared to 86% of the students recommended for Severe Sanctions for academic misconduct).
5. Five of the students had a prior non-academic misconduct finding under the *Code*. (By comparison, 79% of students sanctioned for academic misconduct were recommended to SCA because they had prior academic offences.)
6. Four of the non-academic cases were related to alcohol, either with alcohol use or possession comprising the offence or the offence occurring while the student was intoxicated (self-reported).

⁵ Note that the Sexual Violence Policy was approved by GFC on 23 June 2017, and the definitions in it only apply to cases in which the alleged sexual violence took place after that date. Any allegations from before that date are reflected in charges under Violations of Safety or Dignity. The number here indicates the number of cases which would meet the definitions set out in the Sexual Violence Policy regardless of when the alleged misconduct took place.

Protocol for Urgent Cases of Disruptive, Threatening, or Violent Conduct (*Protocol 91*)

[Policy Link](#)

Focus: Safety of the University Community

Administered by: Office of the Dean of Students

Time period of report: July 1, 2018 - June 30, 2019

Preamble:

The primary purpose of *Protocol 91* is to protect and ensure the safety of the University community. It provides a means by which the University can respond to serious incidents and imminent threats in a timely manner. While it applies to all members of the University Community, a team led by the Vice-Provost and Dean of Students addresses cases in which the *Protocol 91* is invoked for students.

It primarily considers the safety of individuals and/or the community and is not disciplinary. It does not result in findings of responsibility or sanctions. UAPS performs threat or risk assessments which form the basis for decisions and measures taken. When a Protocol stems from behaviour that could also be considered misconduct, UAPS may investigate and proceed with charges under the *Code*.

Potential outcomes:

Highly personalized responses, including restrictions from being on University property (full or specified), other conditions as necessary to address safety concerns.

Notes:

1. Responses to imminent threats, disruptions or violence must be timely, preferably coming within a day or two of the University becoming aware of an incident or any other concern. Each response is tailored to ensure that it is appropriate and proportionate to the incident at hand.
2. Of the 14 Protocols this academic year, all involved either threats or harm to others, including physical or sexual assault, harassment/stalking and other threatening behaviour (to persons or buildings).
3. A student may have multiple conditions, all of which are tailored to the specific situation at hand, including measures to ensure safety, change of behaviour and/or realignment with educational goals.
4. Six of the Protocols began with restrictions from University facilities. However, as a situation evolves, the conditions are reconsidered. Of the 6 students, 4 have been allowed to return, with conditions.

For the 2018/2019 academic year:

Total number of <i>Protocol 91</i>	14
Restrictions from University facilities and/or activities	7
Other conditions	10

Sexual Violence Policy

[Policy Link](#)

Focus: Support for survivors of sexual violence

Administered (for students) by: Office of the Dean of Students

Time period of report: July 1, 2018 - June 30, 2019

The *Sexual Violence Policy* was approved by GFC on June 23, 2017. It complements the existing disciplinary processes (the *Code* for students) by committing to support those who have experienced sexual violence. It distinguishes between a Disclosure (that is, providing information about an experience of sexual violence) and a Complaint (a disclosure for the purpose of initiating an investigation for charges/sanctions under University policy or collective agreements). It recognizes that making a Complaint is one of many options for those who have experienced sexual violence, and provides a range of other options, supports and resources.

Under the *Sexual Violence Policy*, the Office of the Dean of Students can support those who have experienced sexual violence by offering Modifications (for the survivor) or Interim Measures (non-disciplinary measures for the person under allegation). In addition, the Office of the Dean of Students provides support to the student named as having committed sexual violence, and works with them to identify potential voluntary measures they may be willing to undertake. Should a Complaint be made, it is routed through the relevant disciplinary process/policy.

Potential outcomes:

Modifications for survivor, voluntary or interim measures for person named as having committed the sexual violence,

Modifications for survivors of sexual violence can be provided by any University unit (e.g. Residence Services, Faculties, individual professors, etc.). This report refers only to those modifications provided by the Office of the Dean of Students.

Interim measures are non-disciplinary, and every effort is made to accommodate the academic needs of those under conditions.

For the 2018/2019 academic year:

Disclosures ⁶	38
Modifications ⁷	3
Interim Measures ⁸	11
Voluntary Measures ⁹	4
Safe House usage	23 unique users

Notes:

1. The *Sexual Violence Policy* explicitly states that students can receive support and resources without making a Complaint under one of the University's disciplinary processes.
2. The numbers above reflect only Disclosures to the Office of the Dean of Students in which additional supports or modifications were sought. They are not representative of the incidents of sexual violence¹⁰.
3. Safe House, an emergency housing program for students and their dependants, saw a large increase in usage this year. Among the 23 unique users, students stayed between 1-64 nights and received coordinated follow-up support to address the issues that necessitated emergency housing.

Previously, Safe House had accommodated students for up to 14 days but expanded the program this year to pilot an enhanced set of supports for students experiencing homelessness, unsafe, or precarious housing situations. The pilot provides emergency housing for students who may require it longer than 14 days and, in collaboration with Residence Services, a subsidized residence room may be offered along with necessary student supports.

⁶ This number includes students who disclosed that they had been perpetrators of sexual violence as well as those who had experienced sexual violence.

⁷ Examples include: assistance with deferring exams or assignments, assistance changing classes or residence rooms.

⁸ Examples include: non-contact orders, or instructions on where or when to move through certain areas of campus.

⁹ Examples include: agreement not to contact the person who disclosed, or agreement to avoid certain areas.

¹⁰ By comparison, the Sexual Assault Centre received 214 unique disclosures in the same time period.

Student Groups Procedure

[Policy Link](#)

Focus: Relationship between Student Groups and the University

Administered by: Office of the Dean of Students

Time period of report: July 1, 2018 - June 30, 2019

Student Groups that are recognized by the Dean of Students enjoy a number of benefits, including the ability to book space, use of the institutional liquor license and permission for gaming events, use of the University's name and insignia, exclusive use of the Group's name on campus, ability to rent University space and equipment, and ability to solicit membership on campus. This is not a disciplinary procedure; student groups not recognized by the Dean of Students are free to exist and associate, however, they do not have access to the same benefits.

In exchange for these benefits, a Student Group is expected to live up to the responsibilities outlined in the Procedure. In terms of the conduct of the Group, the Dean of Students has the authority to deny, revoke, or temporarily suspend a Student Group's recognition when:

- Their stated objectives or activities or the manner of carrying out its activities expose the University to unacceptable risk, or warrant justifiable complaints under University policy or municipal, provincial, or federal law;
- They engage in hazing, create an unacceptable risk to persons, property or reputation; or
- The group tolerates, allows or encourages members or its executive to violate the *Code* when acting on behalf of or representing the Student Group.

For the 2018/2019 academic year:

One Student Group had its recognition revoked due to their conduct.

Appendix A - 3 Year Trends

Residence Community Standards

	2018/19	2017/18	2016/17
Community Resolution	568	441	454
Apology Letter	5	1	14
Behavioural Agreement	24	82	46
Restitution	28	3	3

Breach of Residence Agreement

	2018/19	2017/18	2016/17
Behavioural Expectations/Warning Letter	21	33	49
Damage/Cleaning Charge	6	14	11
Eviction	6	5	7
Visiting Restriction	4	12	3

Augustana Community Standards

		2018/19	2017/18
Fine (waived)	File notation	19	11
	Educational alternative	6	2
	Restorative outcome	8	1
	totals	33	14
Suspend computer account		0	0
Disconnect network services		0	0
Restitution		0	1
Emergency suspension		0	1
Exclusion		0	0
Disciplinary probation		0	0
Eviction		0	0
Student moved		0	1
Voluntary conditions		3	2

Code of Student Behaviour

Charge	2018/19	2017/18	2016/17
Disruption	0	1	4
Dissemination of Malicious Material	1	1	1
Violations of Safety or Dignity	Physical/sexual contact	0	3
	Physical abuse/threats	2	2
	Creating a condition	7	7
	Harassment/sexual harassment	5	7
	Verbal/written threats	0	1
	totals	15	20
Retaliation	0	0	0
Damage to Property	1	2	4
Unauthorized use	3	3	3
Alcohol	1	1	0
Participation in an Offence	0	0	1
Bribery	0	0	0
Breach of Rules External	0	0	0
Misuse of Confidential Material	1	0	0
Misrepresentation of Facts	1	0	0

Sanction	2018/19	2017/18	2016/17
Expulsion	1	1	1
Suspension	1	3	0
Conduct Probation	12	8	17
Exclusion	1	3	3
Restitution	0	1	1
Fine	2	1	0
Suspension of Services	1	0	2
Reprimand	2	1	0
No sanction	1	0	1
All charges dismissed	0	0	4

Protocol 91

	2018/19	2017/18	2016/17
Restrictions from campus - full or partial	7	7	9
Other conditions as needed to address safety concerns	10	3	6

Sexual Violence Policy

	2018/19	2017/18
Modifications	1	0
Interim Measures	11	10
Disclosures	38	12
Voluntary Measures	4	4

Student Groups Procedure

	2018/19	2017/18	2016/17
Temporary suspension of recognition	0	1	0
Revocation of recognition	1	0	0