

General Faculties Council
Campus Law Review Committee
Approved Minutes

Thursday, March 24, 2011
3-15, UHALL
9:30 am – 11:00 am

ATTENDEES:

Heidi Julien – Chair, Deborah Eerkes, Frank Robinson, Dima Utgoff, Chase Hollman, Roy Coulthard (delegate), Rory Tighe, Lise Gotell, Adrienne Wright, Elaine Geddes (Delegate), Iva Spence (Acting Coordinator), Deborah Holloway (Scribe)

PRESENTERS AND GUESTS:

Harry Davis, Information and Privacy Officer, University of Alberta Information and Privacy Office
Deborah Eerkes, Director, Office of Student Judicial Affairs
Heidi Julien, Chair, GFC Campus Law Review Committee
Iva Spence, Appeals Coordinator, University Governance
Dima Utgoff, Director, Residence Services

OBSERVER

Hillary Sparkes, Vice-President Student Life (Incoming), Graduate Students' Association

OPENING SESSION

1. Approval of the Agenda

Materials before members are contained in the official meeting file.

Discussion:

Mr Coulthard remarked that there was not enough information before members to adequately address Items 4 and 5 and asked that those items be withdrawn from the Agenda.

The Chair noted that Item 4 would be an update on an item previously before GFC CLRC. Regarding Item 5, she reported that the item was before members for an initial discussion for information and feedback purposes only. Therefore, she asked that the items remain on the Agenda.

Motion: Utgoff/Eerkes

Opposed - Coulthard

THAT the GFC Campus Law Review Committee approve the Agenda.

CARRIED

2. Approval of the Minutes of October 28, 2010

Materials before members are contained in the official meeting file.

Motion: Robinson/Hollman

THAT the GFC Campus Law Review Committee approve the Regular Session Minutes of October 28, 2010.

CARRIED

3. Comments from the Chair (no documents)

The Chair provided comments regarding the launch of the University's Marketing and Communications Toolkit and the re-appointment by the Board of Governors of Dr Lorne Babiuk as Vice-President (Research).

She noted that Ms Spence would be Acting GFC CLRC coordinator for this meeting but, when speaking to items before members on this occasion, she would do so in her role as Appeals Coordinator.

DISCUSSION ITEMS

4. Information Collection, Use, Disclosure and Protection in Student Discipline: Update

Materials before members are contained in the official meeting file.

Presenters: Deborah Eerkes, Director, Office of Student Judicial Affairs; Harry Davis, Information and Privacy Officer, University of Alberta Information and Privacy Office

Purpose of the Proposal: The issue of sharing discipline decisions with other University units was raised at the May 27, 2010 GFC CLRC meeting. A small working group was struck subsequent to this meeting and has identified various topics that require more clarity regarding disclosure and protection of information within the discipline process and appeals process after it has been concluded (ie, disclosure of a discipline decision reached). This group recognizes the tension that exists between the Province's *Freedom of Information and Protection of Privacy (FOIPP) Act* and the principles of natural justice as required in the University's Code of Student Behaviour processes.

Discussion:

Ms Eerkes introduced the item, noting that the working group members include: the Appeals Coordinator; the University General Counsel; the Information and Privacy Office; the Director, Office of Student Judicial Affairs; and a representative of the Office of the Registrar and Student Awards. Representatives from University of Alberta Protection Services and the Faculty of Graduate Studies and Research would be added to the group. She reported that, initially, the working group will focus on the following three issues:

- How information is collected, used, and disclosed during the discipline process, including appeals
- How information is protected and disclosed following a discipline decision
- Whether changes to the Code of Student Behaviour should be recommended

Mr Davis noted that the *FOIPP Act* should not act as a barrier to normal processes. However, if a student uses the *Act* to access file information for an appeal, they may receive heavily-redacted information, often for the protection of third parties. When a student does not have access to information to determine whether they should appeal, for instance, this challenges the spirit of natural justice. When operational policies are infused with FOIPP language, the probability of access to necessary information may be jeopardized.

Ms Spence added that it this is particularly problematic when a student has the right to the information in order to make his/her case and it is unavailable; she noted that this difficulty increases in non-academic

discipline cases where the potential exists for a student to gain access to particular information only revealed in the response.

During the ensuing discussion, the presenters addressed questions and comments expressed by members concerning the following matters: concern regarding what uses are legitimate needs within a unit as, at some point in the admission process, information may be required to manage issues such as course scheduling and the management of the student's academic program; the distinction between having information and using it only as intended; the consideration of complainants' interests; examples of instances where a Faculty or Unit may need access to post-decision information; whether a respondent can access information while an investigation is ongoing; whether students have access to their academic file; the issue of ensuring that work environments are safe, necessitating the notification of supervisors regarding sanctions and/or restrictions imposed following the discipline process; whether blanket consent would be useful; and that, for circumstances such as co-op placements and exchanges, a need exists for voluntary disclosure of information.

5. Student Groups and the Code of Student Behaviour

Materials before members are contained in the official meeting file.

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

Purpose of the Proposal: The University's Code of Student Behaviour (COSB) provides various options for dealing with student group misconduct. It also addresses administration of student groups. The result is that the two functions can be conflated, and there is uncertainty about the process, the decision-maker, and the consequences of charges under the Code. Together, these factors create uncertainty and conflate the disciplinary and administrative functions. While it is important to maintain flexibility to appropriately address student group misconduct, it is equally important to balance that with procedural clarity and transparency.

Discussion:

Ms Eerkes presented the item by noting that the Code of Student Behaviour includes both student group misconduct/discipline and student group registration/administration. In addition, there is no procedure identifying whether the Dean of Students or the Discipline Officer should have oversight. Other complications include: student groups fall under the definition of "student"; the COSB does not differentiate formal, recognized student groups from informal groups of students; and individuals are not required to be registered University of Alberta students to belong to student groups.

During the ensuing discussion, the presenter addressed questions and comments expressed by members concerning the following matters: sanctions that may be applied for infractions where non-registered students are involved; the role of the *Trespass to Premises Act*; and the challenges of imposing a sanction on a group of individuals.

Ms Eerkes remarked that work will begin on this issue and information will be brought back to GFC CLRC in the future.

6. Restorative Justice in University of Alberta Residences: Update on the New Residence Community Standards (no documents)

Presenters: Deborah Eerkes, Director, Office of Student Judicial Affairs; Dima Utgoff, Director, Residence Services

Purpose of the Proposal: For discussion/information.

Discussion:

Ms Eerkes reported that the New Residence Community Standards had been approved by the Board of Governors at its meeting of February 11, 2011. "Training for Trainers" is scheduled for July, 2011; communication and staff training will take place in August, 2011; and full implementation of the Standards will be in place by September, 2011.

Mr Utgoff reported that the residence-specific rules for each residence community are nearing completion and will be presented to GFC CLRC at its meeting of April 28, 2011.

7. Academic Integrity (AI) Survey: Update (no documents)

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

Purpose of the Proposal: For discussion/information.

Discussion:

Ms Eerkes introduced the item, noting that Academic Integrity (AI) Survey had been completed by students, teaching assistants, and professors during October and November, 2010. A Task Force is reviewing the results and considering recommendations in the areas of prevention, education, and enforcement, with a final report expected in July 2011.

8. Coalition for Action on High Risk Drinking (CAHRD): Update

Materials before members are contained in the official meeting file.

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

Purpose of the Proposal: For discussion/information.

Discussion:

Ms Eerkes reported that to date the Coalition for Action on High Risk Drinking (CAHRD) was focussed on developing the Terms of Reference before members. The Coalition will focus on information sharing and collaboration, consultation and advice, and monitoring of trends in alcohol use, misuse, and alcohol-related incidences on campus. She added that an annual public report would be produced detailing the work and findings of the Coalition. She added that the Coalition had received a grant in the amount of \$20,000 from Alberta Health Services (AHS) to determine where students go to drink in the University area and surrounding communities.

During the ensuing discussion, the presenter addressed questions and comments expressed by members concerning the following matters: the "Check Yourself" self-assessment tool available online at <http://www.uofaweb.ualberta.ca/deanofstudents/checkyourself.cfm>; whether statistics are available comparing drinking among the general public and university students and drinking among staff/faculty and students; the definition of 'high risk drinking' being tied largely to one's drinking resulting in negative consequences; and whether students are more likely to drink at particular times of the year.

9. Reporting on Discipline: Update

Materials before members are contained in the official meeting file.

Presenter: Iva Spence, Appeals Coordinator, University Governance

Purpose of the Proposal: For discussion/information.

Discussion:

Ms Spence noted that, due to difficulties encountered regarding extracting information from the discipline database, the annual report to GFC CLRC and General Faculties Council would be delayed, likely until the May meeting of GFC CLRC. A member requested that, should the statistics be available earlier than the May meeting of CLRC, they be circulated in advance to members.

Ms Spence drew members' attention to the advertisement for placement in *The Gateway* that addressed the issue of academic integrity. A member requested that, in future, drafts of such advertisements be circulated to GFC CLRC members as they are placed on behalf of the Committee. In response to an observation by a member that students might not immediately understand the meaning of "participation in an Offence", Ms Spence noted that an ad ran in a Fall issue of *The Gateway* explaining this offence in more detail. A brief discussion ensued whether material similar to this ad, created on a Faculty-specific basis and including penalties, might be of use.

10. Future Issues for Committee Discussion and Active Participation From All Stakeholder Groups (no documents)

Presenter: Heidi Julien, Chair, GFC Campus Law Review Committee

Purpose of the Proposal: For discussion/information.

Discussion:

The Chair thanked Ms Eerkes for her work and contributions in bringing items forward to GFC CLRC for its consideration. She encouraged other members, representing other stakeholder groups, to consider bringing items to the Committee. A brief discussion ensued regarding the timing of reviews of the Code of Student Behaviour and whether it was timely to consider a review in the near future. Ms Spence indicated that she had convened an Appeals Regulations Working Group some time ago to review several issues, and work would be resuming in the group in the near future. In response to a request from Ms Spence for student representation on the working group, Mr Coulthard stated he would undertake the identification of a representative from the Graduate Students' Association (GSA).

11. Question Period

There were no questions.

INFORMATION ITEMS

12. Items Approved by the GFC Campus Law Review Committee by E-mail Ballots

There were no items.

13. Information Items Forwarded to Committee Members Between Meetings

There were no items.

CLOSING SESSION

14. Adjournment

The Chair adjourned the meeting at 11:00 am.