

The following Motions and Documents were considered by the GFC Campus Law Review Committee at its Thursday, August 28, 2014 meeting:

Agenda Title: **Appeal of Violation Notice to the Discipline Officer – Proposed Changes to Section 30.5.6(2) (Violation Notice Procedures) of the Code of Student Behaviour**

CARRIED MOTION: THAT the GFC Campus Law Review Committee approve, under delegated authority from General Faculties Council, proposed revisions to Section 30.5.6(2)e.ii (Violation Notice Procedures) 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

Agenda Title: **Proposed “Housekeeping” Changes to the Residence Community Standards Policy**

CARRIED MOTION: THAT the GFC Campus Law Review Committee approve, under delegated authority from General Faculties Council, proposed changes to the existing Residence Community Standards Policy, as submitted by Residence Services and as set forth in Attachment 1, to take effect upon final approval.

Final Item: 5

OUTLINE OF ISSUE

Agenda Title: **Appeal of Violation Notice to the Discipline Officer – Proposed Changes to Section 30.5.6(2) (Violation Notice Procedures) of the Code of Student Behaviour**

Motion: THAT the GFC Campus Law Review Committee approve, under delegated authority from General Faculties Council, proposed revisions to Section 30.5.6(2)e.ii (Violation Notice Procedures) 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	Appeal of UAPS Violation Notices

Details

Responsibility	Provost and Vice-President (Academic)
The Purpose of the Proposal is (please be specific)	To give the Discipline Officer discretion to vary the fines on 'Violation Notices' when a student appeals.
The Impact of the Proposal is	Broader discretion for the Discipline Officer on 'Violation Notice' appeals.
Replaces/Revises (eg, policies, resolutions)	Section 30.5.6(2)e.ii (Violation Notice Procedures) of the Code of Student Behaviour.
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 and 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"> 1. 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. 2. GFC Campus Law Review Committee (CLRC) Terms of Reference–Section 1 (Authority): “GFC has thus established a Campus Law Review Committee (GFC CLRC)” 3. 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. 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

FINAL Item No. 4

	<p>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)	University Governance; Students’ Union; Student OmbudService; Office of General Counsel; Residence Services; Office of the Dean of Students; University of Alberta Protective Services; and Office of the Registrar
Approval Route (Governance) (including meeting dates)	GFC Campus Law Review Committee (August 28, 2014) – for final approval
Final Approver	GFC Campus Law Review Committee

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

- Attachment 1 (page 1) – Comparative Table of Proposed Changes to Section 30.5.6(2) (Violation Notice Procedures) of the Code of Student Behaviour

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

Appeal of a Violation Notice to the Discipline Officer

Given the minor nature of the sanctions imposed on a Violation Notice, it would be inefficient to convene a full UAB panel to hear appeals. Therefore, it was decided in 2007 that the appeals of Violation Notices would be heard by the Discipline Officer. The current wording implies that a student can appeal if s/he is dissatisfied with the sanction (fine) on a Violation Notice, but the Discipline Officer only has the authority to uphold the original ticket or dismiss the charge. In effect, this limits the Discipline Officer's authority to make any changes to sanction when a student has admitted to an offence but believes the sanction is too harsh.

In consultation, students and University officials have indicated a preference to give the Discipline Officer the authority to vary the sanction, even when the student has been found to have committed the offence.

It should be noted that the Violation Notices stipulate maximum fines for specific offences, and that Fines and Restitution are the only options for sanctions on Violation Notices.

Current	Proposed	Rationale
<p>30.5.6(2) e.ii If the Student contests the charge in the Violation Notice that he or she has committed an offence, and/or the sanction imposed, the Student shall do so in writing to the Discipline Officer. The Discipline Officer will meet with the Student and conduct an investigation. The Discipline Officer may dismiss the charges or uphold the original Violation Notice. The Discipline Officer's decision is final. (GFC 24 SEP 2007) (BEAC 17 OCT 2007)</p>	<p>30.5.6(2) e.ii If the Student contests the charge in the Violation Notice that he or she has committed an offence, and/or the sanction imposed, the Student shall do so in writing to the Discipline Officer. The Discipline Officer will meet with the Student and conduct an investigation. The Discipline Officer may dismiss the charges, <u>vary the sanction</u>, or uphold the original Violation Notice. <u>Sanctions are limited to those provided for on the Violation Notice.</u> The Discipline Officer's decision is final. (GFC 24 SEP 2007) (BEAC 17 OCT 2007)</p>	<p>The section implied that a student could appeal fine on a Violation Notice but did not give the Discipline Officer discretion to vary the sanction.</p>

OUTLINE OF ISSUE

 Agenda Title: **Proposed “Housekeeping” Changes to the Residence Community Standards Policy**

Motion: THAT the GFC Campus Law Review Committee approve, under delegated authority from General Faculties Council, proposed changes to the existing Residence Community Standards Policy, as submitted by Residence Services 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	Brock Richardson, Acting Assistant Dean of Students – Residence Life, Residence Services
Presenters	Brock Richardson, Acting Assistant Dean of Students – Residence Life, Residence Services; Chris Fukushima, Residence Area Coordinator, East Campus, Residence Services
Subject	Residence Community Standards Policy Proposed Changes

Details

Responsibility	Provost and Vice-President (Academic)
The Purpose of the Proposal is (please be specific)	To update the Residence Community Standards Policy to enact the recommendations of Residence Services. The proposed revisions are viewed by Residence Services as minor and editorial (or “housekeeping”) in nature.
The Impact of the Proposal is	To make Residence Services improvements to the current Residence Community Standards Policy.
Replaces/Revises (eg, policies, resolutions)	Residence Community Standards Policy.
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> and <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)	<p>1. Post-Secondary Learning Act (PSLA): The PSLA give GFC responsibility, subject to the authority of the Board of Governors, over academic affairs and over student affairs, including authority concerning student discipline. (Sections 26(1) and 31) In addition, Section 26(1)(o) states GFC “has the authority to make recommendations to the board with respect to [...] the regulation of residences and dining halls[.][...]”</p> <p>Further, PSLA Section 31(1) – Student Affairs states “The general faculties council has general supervision of student affairs at a university and in particular, but without restricting the generality, the general faculties council may [...] (b) delegate its power to discipline students in any particular case or generally to any person or body of persons, subject to any conditions with respect to the exercise of any delegated power that it considers proper[.] [...]”</p> <p>2. GFC Campus Law Review Committee Terms of Reference: Section 3 – Mandate of the Committee/D. Residence Codes and</p>

	<p>Community Standards:</p> <p>[...]</p> <p>3. Any changes to existing student residence codes shall be submitted to the GFC Campus Law Review Committee. The CLRC has the delegated authority from General Faculties Council to approve changes which in its view are editorial or minor; all such approvals will be filed with the GFC Executive Committee. Any major changes to existing student residence codes shall be forwarded with the recommendation of the CLRC to the GFC Executive for final approval.”</p> <p>3. GFC Executive Committee’s Terms of Reference: Section 3 – Mandate of the Committee/11. Student Residence Codes: “[...] Any changes to existing student residence codes shall be submitted to the GFC Campus Law Review Committee. Any major changes to existing student residence codes shall be forwarded with the recommendation of the CLRC to the GFC Executive for final approval. [...]”</p> <p>4. University of Alberta Residence Community Standards Policy:</p> <p>“I. Preamble [...] C. Process [...]</p> <p>4. Residence Services will report annually with respect to this policy to the GFC Campus Law Review Committee (CLRC) in accordance with the CLRC Terms of Reference. A formal review of the policy and procedure will occur after the first and second years of operation and periodically thereafter as required by CLRC. The review will be conducted by a group of key stakeholders, including students and staff.”</p>
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Routing (Include meeting dates)

Consultative Route (parties who have seen the proposal and in what capacity)	N/A – The proposed changes set out in the attachment are not substantive.
Approval Route (Governance) (including meeting dates)	GFC Campus Law Review Committee (August 28, 2014) – for final approval
Final Approver	GFC Campus Law Review Committee

Attachments (each to be numbered 1):

- Attachment 1 (pages 1 – 4) - Comparative Table of Proposed Changes to the Residence Community Standards Policy

Prepared by: Chris Fukushima, Residence Area Coordinator, Residence Services, cjf2@ualberta.ca

The following changes to the Community Standards are being proposed for 2014:

CURRENT:	PROPOSED:	RATIONALE:
<p>C. PROCESS</p> <p>1. This policy establishes a fair and transparent process based in part on the principles of Restorative Justice. The Restorative Justice process is available for use in cases of negative, disruptive, or inappropriate behaviour where the conditions laid out in this policy are met.</p> <p>This policy provides a framework to:</p> <ol style="list-style-type: none"> Recognize and prevent unacceptable behaviour in the Residence Community, and Resolve issues and provide remedies in a positive and constructive way for behaviour that harms the Residence Community or individual(s) within the Community. <p>2. This policy fits within a network of interconnected documents, policies and procedures related to Residences, including:</p> <ol style="list-style-type: none"> The Residence Agreement (see “Information for Students on the Residence Agreement”, located on the Residence Services website); Residence-specific rules on the Residence Services website, jointly approved by the University and the Residence Students’ Associations; The Code of Student Behaviour, available online; The Application for Residence; The Residence Services acceptance letter and package; The Housing Telephone Service Agreement, where applicable; The Residence Internet Service Agreement, where applicable; and Various other policies, rules and regulations adopted by the University, including as Landlord, from time to time. <p>3. Residents are also members of the University Community and are therefore also subject to the Code of Student Behaviour at all times.</p> <p>4. Residence Services will report annually with respect to this policy to the GFC</p>	<p>C. PROCESS</p> <p>1. This policy establishes a fair and transparent process based in part on the principles of Restorative Justice. The Restorative Justice process is available for use in cases of negative, disruptive, or inappropriate behaviour where the conditions laid out in this policy are met.</p> <p>This policy provides a framework to:</p> <ol style="list-style-type: none"> Recognize and prevent unacceptable behaviour in the Residence Community, and Resolve issues and provide remedies in a positive and constructive way for behaviour that harms the Residence Community or individual(s) within the Community. <p>2. This policy fits within a network of interconnected documents, policies and procedures related to Residence, including:</p> <ol style="list-style-type: none"> The Residence Agreement (see “Information for Students on the Residence Agreement”, located on the Residence Services website); Residence specific rules on the Residence Services website, jointly approved by the University and the Residence Students’ Associations; The Code of Student Behaviour, available online; The Application for Residence; The Residence Services acceptance letter and package Confirmation/Room Offer Letter and Confirmation Contract; The Housing Telephone Service agreement where applicable. The Residence Internet Service Agreement, where applicable; and g. Various other policies, rules and regulations adopted by the University, including as Landlord, from time to time. <p>3. Residents are also members of the University Community and are therefore also subject to the Code of Student Behaviour at all times.</p>	<p>RS eliminated the specific website.</p> <p>RS changed the name of these documents. Updated to show new name.</p> <p>RS no longer offers telephone service.</p>

CURRENT:	PROPOSED:	RATIONALE:
<p>Campus Law Review Committee (CLRC) in accordance with the CLRC Terms of Reference. A formal review of the policy and procedure will occur after the first and second years of operation and periodically thereafter as required by CLRC. The review will be conducted by a group of key stakeholders, including students and staff.</p>	<p>4. Residence Services will report annually with respect to this policy to the GFC Campus Law Review Committee (CLRC) in accordance with the CLRC Terms of Reference. A formal review of the policy and procedure will occur after the first and second years of operation and periodically thereafter as required by CLRC. The review will be conducted by a group of key stakeholders, including students and staff.</p>	

CURRENT:	PROPOSED:	RATIONALE:
<p>APPENDIX A – Example Documentation for Community Resolutions</p> <p>A Community Resolution can take many forms, but the outcome must be documented using an approved Residence Services system. The student must also be informed of the Community Resolution in writing. Below are several suggestions on how documentation can be composed.</p> <p><u>Subject: Community Resolution (CR) Hi [student], (copied to RC)</u> Just following up on the conversation we had yesterday: I wanted to thank you for agreeing to wash your dishes, and also for your willingness to consider the rest of unit, and your effect on them. Please do not hesitate to contact me for any reason. For more information on Restorative Justice please visit the Residence Services website. Here are some additional resources: Student OmbudService Office of Safe Disclosure and Human Rights Sincerely, [name] *****</p> <p><u>Subject: Community Resolution (CR) Hi RC, (copied to student)</u> I had a very productive chat with [student, unit #] last night in which she agreed to wash her dishes within two hours of cooking from now on. *****</p> <p>Floor or Unit <u>Community Resolution (CR)</u> Thanks, everyone, for meeting with me last night. As a recap of our discussion, we all agreed that Sundays will be our cleaning day, and we will divide up the duties as follows: ...</p> <p>For more information on Restorative Justice please visit the Residence Services website. Here are some additional resources: Student OmbudService Office of Safe Disclosure and Human Rights *****</p>	<p>APPENDIX A - Example Documentation for Community Resolutions</p> <p>A Community Resolution can take many forms, but the outcome must be documented using an approved Residence Services system. The student must also be informed of the Community Resolution in writing. Below are several suggestions on how documentation can be composed.</p> <p><u>Subject: Community Resolution (CR) Hi [student], (copied to RC)</u> Just following up on the conversation we had yesterday. I wanted to thank you for agreeing to wash your dishes, and also for your willingness to consider the rest of the unit or the resident/s, and your effect on them. Please do not hesitate to contact me for any reason. For more information on Restorative Justice, please visit the Residence Services website. Here are some additional resources: Student OmbudService Office of Safe Disclosure and Human Rights Sincerely, [name] *****</p> <p><u>Subject: Community Resolution (CR) Hi RC, (copied to student)</u> I had a very productive chat with [student, unit #] last night in which she agreed to wash her dishes within two hours of cooking from now on. *****</p> <p>Floor or Unit <u>Community Resolution (CR)</u> Thanks, everyone, for meeting with me last night. As a recap of our discussion, we all agreed that Sundays will be our cleaning day, and we will divide up the duties as follows: ...</p> <p>For more information on Restorative Justice, please visit the Residence Services website. Here are some additional resources: Student OmbudService Office of Safe Disclosure and Human Rights *****</p>	<p>Added wording to make it more inclusive to all community types</p>

CURRENT:	PROPOSED:	RATIONALE:
<p>Hi [student], (copied to RC) Just following up on our conversation from this morning – I understand you did not intend to disturb your neighbour by playing your stereo last night and that you feel that the complaint was unreasonable. I remind you that quiet hours are from 11pm to 7am, but it is clear that people don't always agree on the level of noise acceptability. If you'd like, I could sit down with the two of you and try to help you come to a compromise that works for both of you.</p> <p>Let me know what I can do to help! For more information on Restorative Justice please visit the Residence Services website. Here are some additional resources: Student OmbudService Office of Safe Disclosure and Human Rights <u>[Note: this is not a CR, but an offer to facilitate an agreement between two students.]</u> *****</p>	<p>Hi [student], (copied to RC) Just following up on our conversation from this morning - I understand you did not intend to disturb your neighbour by playing your stereo last night and that you feel that the complaint was unreasonable. I remind you that quiet hours are from 11pm to 7am, but it is clear that people don't always agree on the level of noise acceptability. If you'd like, I could sit down with the two of you and try to help you come to a compromise that works for both of you.</p> <p>Let me know what I can do to help! For more information on Restorative Justice, please visit the Residence Services website. Here are some additional resources: Student OmbudService Office of Safe Disclosure and Human Rights <u>[Note: this is not a CR, but an offer to facilitate an agreement between two students]</u> *****</p>	