

The following Motions and Documents were considered by the GFC Campus Law Review Committee at its Thursday, January 28, 2016 meeting:

Agenda Title: **Proposed Changes to the Code of Student Behaviour: Authority to Act on Bribery Complaints Related to Gaining Academic Advantage**

CARRIED MOTION: THAT the GFC Campus Law Review Committee, under delegated authority from GFC, approve the proposed changes to Sections 30.5.4(1) and 30.5.7(1) of the Code of Student Behaviour, as proposed by Student Conduct and Accountability, and as outlined in Attachment 1, to take effect on February 3, 2016.

Final Item: 4

Agenda Title: **Proposed Revisions to the Code of Student Behaviour: Office of Student Judicial Affairs Name Change**

CARRIED MOTION I: THAT the GFC Campus Law Review Committee approve, under delegated authority from GFC, proposed changes to Sections 30.2.16 and 30.2.16(1) of the Code of Student Behaviour, as proposed by Student Conduct and Accountability, and as contained within Attachment 1, to be effective February 3, 2016.

CARRIED MOTION II: THAT the GFC Campus Law Review Committee recommend to the GFC Executive Committee, proposed changes to Sections 30.6.4 and 30.6.4(13) of the Code of Student Behaviour, as proposed by Student Conduct and Accountability, and as contained within Attachment 1, to be effective upon final approval.

Final Item: 5

OUTLINE OF ISSUE

Agenda Title: Proposed Changes to the Code of Student Behaviour: Authority to Act on Bribery Complaints Related to Gaining Academic Advantage

Motion: THAT the GFC Campus Law Review Committee, under delegated authority from GFC, approve the proposed changes to Sections 30.5.4(1) and 30.5.7(1) of the Code of Student Behaviour, as proposed by Student Conduct and Accountability, and as outlined in Attachment 1, to take effect on February 3, 2016.

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, Student Conduct and Accountability
Presenter	Deborah Eerkes, Director, Student Conduct and Accountability
Subject	Authority to Act on Bribery Complaints

Details

Responsibility	Provost and Vice-President (Academic)
The Purpose of the Proposal is (please be specific)	To update the Code of Student Behaviour to make explicit that Instructors and Deans can act when an allegation of Bribery related to gaining academic advantage is raised.
The Impact of the Proposal is	Housekeeping
Replaces/Revises (eg, policies, resolutions)	N/A
Timeline/Implementation Date	Effective February 3, 2016
Estimated Cost	None
Sources of Funding	N/A
Notes	None

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"> 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 – Mandate of the Committee (A and B) states that GFC CLRC is “[t]o review, from time to time, the Code of Student Behaviour and student discipline procedures.”, and “[t]o review, from time to time, the Code of Applicant Behaviour.” 4. GFC Campus Law Review Committee (CLRC) Terms of Reference: Section 3 states “On delegated authority from GFC, to approve all editorial amendments to the Code of Student Behaviour except editorial amendments to Section 30.6.”

Routing (Include meeting dates)

Participation: (parties who have seen the proposal and in what capacity) <ul style="list-style-type: none">• Those who have been informed• Those who have been consulted• Those who are actively participating	<i>Associate Deans, Office of the Student Ombuds, Senior Legal Counsel</i>
Approval Route (Governance) (including meeting dates)	GFC CLRC: Meeting of January 28, 2016
Final Approver	GFC CLRC

Attachments:

1. Attachment 1 (page(s) 1 - 2)

Prepared by:

Deborah Eerkes, Director, Student Conduct and Accountability, deerkes@ualberta.ca

Proposal to Campus Law Review Committee: Bribery [Authority to Act]

The offence of Bribery (for academic or other advantage) was added to the Code of Student Behaviour in 2007, however the concomitant changes outlining Instructors’ and Deans’ authority to address that section of the Code when it related to gaining academic advantage was never made. This proposal is simply a housekeeping step to ensure that the authority to act when a student commits bribery for academic advantage is explicit. As such, I would propose that this is an editorial, rather than substantive, change.

For reference, the definition of Bribery is as follows:

30.3.6(7) No Student shall offer or provide a monetary or other benefit to any member of the University for the purpose of gaining academic or other advantage.

Current	Proposed	Rationale
<p>30.5.4 Procedures for Instructors in Cases Respecting Inappropriate Academic Behaviour</p> <p>30.5.4(1) When an Instructor believes that a Student may have committed an Inappropriate Academic Behaviour Offence [30.3.2] or that there has been Misrepresentation of Facts [30.3.6(4)] or Participation in an Offence [30.3.6(5)] in cases respecting Inappropriate Academic Behaviour in the course that he or she instructs, the Instructor will meet with the Student. Before such a meeting, the Instructor shall inform the Student of the purpose of the meeting. In the event that the Student refuses or fails to meet with the Instructor within a reasonable period of time specified by the Instructor, the Instructor shall,</p>	<p>30.5.4 Procedures for Instructors in Cases Respecting Inappropriate Academic Behaviour</p> <p>30.5.4(1) When an Instructor believes that a Student may have committed an Inappropriate Academic Behaviour Offence [30.3.2] or that there has been Misrepresentation of Facts [30.3.6(4)] or Participation in an Offence [30.3.6(5)] in cases respecting Inappropriate Academic Behaviour, <u>or Bribery [30.3.6(7)] for the purpose of gaining academic advantage</u> in the course that he or she instructs, the Instructor will meet with the Student. Before such a meeting, the Instructor shall inform the Student of the purpose of the meeting. In the event that the Student refuses or fails to meet with the Instructor within a reasonable</p>	<p>Ensuring that Bribery for the purpose of gaining academic advantage is within the authority of the instructor to address.</p>



<p>taking into account the available information, decide whether a report to the Dean is warranted. (CLRC 30 MAY 2002) (EXEC 7 APR 2003) (CLRC 27 NOV 2003)</p>	<p>period of time specified by the Instructor, the Instructor shall, taking into account the available information, decide whether a report to the Dean is warranted. (CLRC 30 MAY 2002) (EXEC 7 APR 2003) (CLRC 27 NOV 2003)</p>	
<p>30.5.7 Procedures for Deans</p> <p>30.5.7(1) The following procedures apply in cases respecting Inappropriate Academic Behaviour [30.3.2], Inappropriate Behaviour in Professional Programs [30.3.3] or Class Disruption [30.3.4(1)] or that there has been Misrepresentation of Facts [30.3.6(4)] or Participation in an Offence [30.3.6(5)] in cases respecting Inappropriate Academic Behaviour, Inappropriate Behaviour in Professional Programs or Class Disruption. In cases involving application-related offences, the Dean may delegate responsibility for the case to the Registrar. (CLRC 30 MAY 2002) (EXEC 04 MAY 2009)</p>	<p>30.5.7 Procedures for Deans</p> <p>30.5.7(1) The following procedures apply in cases respecting Inappropriate Academic Behaviour [30.3.2], Inappropriate Behaviour in Professional Programs [30.3.3] or Class Disruption [30.3.4(1)] or that there has been Misrepresentation of Facts [30.3.6(4)], Participation in an Offence [30.3.6(5)] in cases respecting Inappropriate Academic Behaviour, <u>Bribery [30.3.6(7)] for the purpose of gaining academic advantage.</u> Inappropriate Behaviour in Professional Programs or Class Disruption. In cases involving application-related offences, the Dean may delegate responsibility for the case to the Registrar. (CLRC 30 MAY 2002) (EXEC 04 MAY 2009)</p>	<p>Ensuring that Bribery for the purpose of gaining academic advantage is within the authority of the Dean to address.</p>

OUTLINE OF ISSUE

Agenda Title: Proposed Revisions to the Code of Student Behaviour: Office of Student Judicial Affairs Name Change

Motion I: THAT the GFC Campus Law Review Committee approve, under delegated authority from GFC, proposed changes to Sections 30.2.16 and 30.2.16(1) of the Code of Student Behaviour, as proposed by Student Conduct and Accountability, and as contained within Attachment 1, to be effective February 3, 2016.

Motion II: THAT the GFC Campus Law Review Committee recommend to the GFC Executive Committee, proposed changes to Sections 30.6.4 and 30.6.4(13) of the Code of Student Behaviour, as proposed by Student Conduct and Accountability, and as contained within Attachment 1, to be effective 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, Student Conduct and Accountability
Presenter	Deborah Eerkes, Director, Student Conduct and Accountability
Subject	Unit name change to the Code of Student Behaviour

Details

Responsibility	Provost and Vice-President (Academic)
The Purpose of the Proposal is (please be specific)	To update the Code of Student Behaviour to reflect the new name of Student Conduct and Accountability.
The Impact of the Proposal is	Housekeeping
Replaces/Revises (eg, policies, resolutions)	N/A
Timeline/Implementation Date	Motion I: February 3, 2016 Motion II: Upon final approval
Estimated Cost	None
Sources of Funding	N/A
Notes	None

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)	<p>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.</p> <p>2. GFC Campus Law Review Committee (CLRC) Terms of Reference–Section 1 (Authority): “GFC has thus established a Campus Law Review Committee (GFC CLRC) [...]”</p> <p>3. GFC Campus Law Review Committee (CLRC) Terms of Reference: Section 3 – Mandate of the Committee (A and B) states that GFC CLRC is “[t]o review, from time to time, the Code of Student Behaviour and student discipline procedures.”, and “[t]o review, from time to time, the Code of Applicant Behaviour.”</p> <p>4. GFC Campus Law Review Committee (CLRC) Terms of</p>

FINAL Item No. 5

	<p>Reference: Section 3 states “On delegated authority from GFC, to approve all editorial amendments to the Code of Student Behaviour except editorial amendments to Section 30.6.”</p> <p>5. Code of Student Behaviour, Section 30.7.2 (3) states “All amendments to Section 30.6 will be forwarded to the GFC Executive Committee for approval.”</p>
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Routing (Include meeting dates)

<p>Participation: (parties who have seen the proposal and in what capacity)</p> <ul style="list-style-type: none"> • Those who have been informed • Those who have been consulted • Those who are actively participating 	<p>Dean of Students, Dean of Students Directors’ Council (consulted), General Counsel (consulted)</p>
<p>Approval Route (Governance) (including meeting dates)</p>	<p>Motion I: GFC CLRC (February 3, 2016) Motion II: GFC Executive Committee (March 7, 2016)</p>
<p>Final Approver</p>	<p>Motion I: GFC CLRC (February 3, 2016) – Final approver Motion II: GFC Executive Committee (March 7, 2016) – Final approver</p>

Attachments:

1. Attachment 1 (page(s) 1 - 2)

Prepared by:

Deborah Eerkes, Director, Student Conduct and Accountability, deerkes@ualberta.ca

Student Conduct and Accountability Name Change

The Office of Student Judicial Affairs is undergoing a name change to **Student Conduct and Accountability (SCA)**. The purpose is to better capture the office’s preventative and educational programming as well as the student discipline work. The two individuals within SCA will still fulfill the function of Discipline Officer under the Code of Student Behaviour, so no title changes will need to be made in the Code.

Current	Proposed	Rationale
<p>30.2.16 Discipline File</p> <p>The file containing the disciplinary proceedings undertaken in relation to a Student, including but not limited to, the charges laid, the evidence collected, and the findings of the decision-maker. Discipline Files are held by Faculties, Unit Directors, University of Alberta Protective Services, the Office of Student Judicial Affairs, and University Governance as provided for this Code. Discipline Files held by Faculty and Department offices must be kept separate from Academic Files, but in cases where a Student has been found to have committed an offence of Inappropriate Academic Behaviour, a copy of the final decision may be kept with the Student’s Academic File. (CLRC 24 MAY 2012)</p> <p>30.2.16(1) All Discipline Files are confidential, and the only persons having access to such records will be those directly concerned with the action, decided as follows:</p> <p>...</p> <ul style="list-style-type: none"> • The Provost or delegate shall: <p>1. Have access to all student</p>	<p>30.2.16 Discipline File</p> <p>The file containing the disciplinary proceedings undertaken in relation to a Student, including but not limited to, the charges laid, the evidence collected, and the findings of the decision-maker. Discipline Files are held by Faculties, Unit Directors, University of Alberta Protective Services, <u>Student Conduct and Accountability</u>, and University Governance as provided for this Code. Discipline Files held by Faculty and Department offices must be kept separate from Academic Files, but in cases where a Student has been found to have committed an offence of Inappropriate Academic Behaviour, a copy of the final decision may be kept with the Student’s Academic File. (CLRC 24 MAY 2012)</p> <p>30.2.16(1) All Discipline Files are confidential, and the only persons having access to such records will be those directly concerned with the action, decided as follows:</p> <p>...</p> <ul style="list-style-type: none"> • The Provost or delegate shall: <p>1. Have access to all student</p>	<p>Update unit name throughout CoSB.</p>

<p>records including the Academic File and any Discipline File held by a Faculty, Department or unit, the Office of Student Judicial Affairs, the Office of the Registrar or University Governance in an instance where the Provost has invoked, or is considering invoking, the Protocol For Urgent Cases of Disruptive, Threatening or Violent Conduct (Section 91); (EXEC 03 MAY 2004) (BHRCC 05 MAY 2004) (CLRC 24 MAY 2012)</p>	<p>records including the Academic File and any Discipline File held by a Faculty, Department or unit, <u>Student Conduct and Accountability</u>, the Office of the Registrar or University Governance in an instance where the Provost has invoked, or is considering invoking, the Protocol For Urgent Cases of Disruptive, Threatening or Violent Conduct (Section 91); (EXEC 03 MAY 2004) (BHRCC 05 MAY 2004) (CLRC 24 MAY 2012)</p>	
<p>30.6.4 Procedures Prior to a Hearing</p> <p>30.6.4(1) As soon as an appeal is received the Appeals Coordinator shall:</p> <p>...</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 Student Judicial Affairs, 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) (EXEC 02 APR 2012)</p>	<p>30.6.4 Procedures Prior to a Hearing</p> <p>30.6.4(1) As soon as an appeal is received the Appeals Coordinator shall:</p> <p>...</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 <u>Student Conduct and Accountability</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) (EXEC 02 APR 2012)</p>	