

# 2017/18 Annual Report of Student Conduct Responses

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Dean of Students' Portfolio  
2017- 2018 Academic Year

October 2018



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# Introduction

This report covers non-academic<sup>1</sup> behaviour as addressed across the Dean of Students' portfolio for the 2017/18 academic year. It is organized by relevant policy, including the *Residence Community Standards*, Residence Agreement (i.e. rental contract), *Augustana Student Residence Community Standards*, *Code of Student Behaviour*, *Sexual Violence Policy*, the *GFC Protocol for Urgent Cases of Disruptive, Threatening or Violent Behaviour*, and the *Student Groups Procedure*.

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 does not include any actions taken with respect to students of concern.

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, 2017 - August 31, 2018

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, 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 Restorative Justice (RJ) 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 2017/2018 academic year:	
Community Resolution	441
Apology Letter	1
Behavioural Agreement	82
Restitution	3

<sup>1</sup> 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, 2017 - August 31, 2018

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, damage/cleaning charge, or visiting restriction

**Notable Trends in Residence:**

1. There has been a marked increase in weapons complaints in Residence this year, including possession of knives, guns and replicas.
2. There has been a decrease in the number of resident evictions, however an increase in the number of visiting restriction letters due to an increased number of incidents involving guests and non-residence students.
3. There has been an increase in awareness and in disclosures of intimate partner/sexual violence cases due to policy and procedure changes on campus.

For the 2017/2018 academic year:	
Behavioural Expectations/ Warning letter	33
Damage/Cleaning Charge	14
Eviction	5
Visiting Restriction	12

**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. The search is underway for new data management software.
2. There were 1625 students involved in 1134 unique incidents in the time period of this report. Those incidents included misconduct, first aid, mental health (students of concern), maintenance and operations.

# Augustana Community Standards

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

**Administered by:** Augustana Residence Life

**Time period of report:** July 1, 2017 - June 30, 2018

**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 24 unique incidents in Augustana Residence in the reporting period, involving 49 students.
2. All 14 of the disciplinary fines were waived in favour of alternative resolutions, including 11 notations on file, 2 educational alternatives and 1 restorative outcome.
3. "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."<sup>2</sup>

For the 2017/2018 academic year:		
Fine (waived) 14 total	File notation	11
	Educational alternative	2
	Restorative outcome	1
Suspension of computer account		0
Disconnection of network services		0
Restitution		1
Emergency suspension from residence		1
Exclusion		0
Disciplinary probation		0
Eviction		0
Student moved to another residence		1
Voluntary conditions		2

<sup>2</sup> 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, 2017 - June 30, 2018

**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-academic<sup>3</sup> 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 2017/18:**

13 (down 52% from 2016/17)

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

Sanctions:	
Expulsion	1
Suspension	3
Conduct Probation	8
Exclusion	3
Restitution	1
Fine	1
Reprimand	1

<sup>3</sup> 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.

<sup>4</sup> 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 (12 in 2017/18 and 26 in 2016/17). This is in contrast with academic misconduct, in which 63% of those referred to SCA were female.
2. Six of the 13 cases would be classified as Sexual Violence<sup>5</sup> under the new policy.
3. Five of the students referred to SCA for non-academic misconduct self-reported mental health issues.
4. Only 2 students referred to SCA were international students as compared to 50% of the students recommended for Severe Sanctions for academic misconduct.
5. Only one student had a prior non-academic misconduct finding under the Code. By comparison, 88% of students sanctioned for academic misconduct were recommended to SCA because they had prior academic offences.
6. Three 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).

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<sup>5</sup> 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

## **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 response to serious incidents and imminent threats can be coordinated 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 is based on consideration of safety of individuals and/or the community rather than being a disciplinary process that results in findings or sanctions. UAPS performs threat or risk assessments which form the basis for action. It is important to note that when a Protocol stems from misconduct, the case is generally followed up with charges under the Code as well in order to provide the necessary procedural fairness.

## **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. Each response is tailored to ensure that it is appropriate and proportionate to the incident at hand.
2. Of the 7 Protocols this academic year, all involved either threats or harm to others, including weapons, bomb threats, physical or sexual assault, harassment/stalking and other threatening behaviour (to persons or buildings).
3. All 7 of the Protocols began with restrictions from campus. However, as a situation evolves, the conditions are reconsidered. Of the 7 students, three have been allowed to return, with conditions.

### For the 2017/2018 academic year:

Total number of Protocol 91	7
Restrictions from campus	7
Other conditions	3

# 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, 2017 - June 30, 2018

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, disclosing and incident 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.

Should a Complaint be made, it is routed through the relevant disciplinary process/policy. 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 the to student named as having committed sexual violence, and works with them to identify potential voluntary measures they may be willing to undertake.

### **Potential outcomes:**

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

It should be noted that modifications for survivors of sexual violence can be provided by an 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.

### For the 2017/2018 academic year:

Modifications <sup>6</sup>	4
Safehouse usage	9
Interim Measures <sup>7</sup>	10
Disclosures <sup>8</sup>	12
Voluntary Measures <sup>9</sup>	4

### **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 Disclosures to the Office of the Dean of Students only and are not representative of the incidents of sexual violence. Disclosures where no additional support was sought are also not included.

<sup>6</sup> Examples include: assistance with deferring exams or assignments, assistance changing classes or residence rooms.

<sup>7</sup> Examples include: non-contact orders, or instructions on where or when to move through certain areas of campus.

<sup>8</sup> It is interesting to note that this number includes students who disclosed to us that they had been perpetrators of sexual violence as well as those who had experienced sexual violence.

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

# 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, 2017 - June 30, 2018

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;
- The group engages in hazing, 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 2017/2018 academic year:***

One Student Group had its recognition temporarily suspended due to their conduct.

# Appendix A - 3 Year Trends

## Residence Community Standards

	2017/18	2016/17	2015/16
Community Resolution	441	454	366
Apology Letter	1	14	71
Behavioural Agreement	82	46	104
Restitution	3	3	15

## Breach of Residence Agreement

	2017/18	2016/17	2015/16
Behavioural Expectations/Warning Letter	33	49	66
Damage/Cleaning Charge	14	11	18
Eviction	5	7	13
Visiting Restriction	12	3	12

## Code of Student Behaviour

Charge	2017/18	2016/17	2015/16	
Disruption	33	49	66	
Dissemination of Malicious Material	14	11	18	
Eviction	5	7	13	
Visiting Restriction	12	3	12	
Violations of Safety or Dignity	Physical/sexual contact	3	3	8
	Physical abuse/threats	2	4	10
	Creating a condition	7	7	18
	Harassment/sexual harassment	7	13	20
	Verbal/written threats	1	0	3
	totals	20	27	59
Retaliation	0	0	1	
Damage to Property	2	4	4	
Unauthorized use	3	3	2	
Alcohol	1	0	1	
Participation in an Offence	0	1	13	
Bribery	0	0	1	
Breach of Rules External	0	0	2	
Total Non-Academic cases	13	27	34	

Sanction	2017/18	2016/17	2015/16
Expulsion	1	1	2
Suspension	3	0	7
Conduct Probation	8	17	27
Exclusion	3	3	8
Restitution	1	1	1
Fine	1	0	3
Suspension of Services	0	2	0
Reprimand	1	0	0
No sanction	0	1	0
All charges dismissed	0	4	3

## Protocol 91

	2017/18	2016/17	2015/16
Restrictions from campus - full or partial	7	9	13
Other conditions as needed to address safety concerns	3	6	11

## Student Groups Procedure

	2017/18	2016/17	2015/16
Temporary suspension of recognition	1	0	0
Revocation of recognition	0	0	0