

2020/21 Annual Report of Student Conduct Responses

Dean of Students' Portfolio
July 1, 2020 - June 30, 2021

September 2021



**UNIVERSITY
OF ALBERTA**

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Introduction

This report covers responses to student conduct across the Dean of Students' portfolio for the 2020-21 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 may not constitute misconduct. This report details only those incidents addressed within the Dean of Students' portfolio.

The 2020-21 academic year, featuring a learning landscape of almost exclusively online courses and students dispersed around the world, affected students' conduct, and misconduct. Residences were largely empty, students encountered other members of the University Community remotely only, and web-based homework services for students proliferated.

For data from previous years, the 2019-20 Dean of Students portfolio Student Conduct Report is available from University Governance.

Residence Community Standards Policy

[Policy Link](#)

Focus: Restorative Justice

Administered by: Residence Life

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 misconduct, the framework focuses on the effects of behaviour on individuals and the community. 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 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:

Community Resolution or Actions decided in a Restorative Agreement (including apologies).

For the 2020/2021 academic year:	
Outcome	Number
Community Resolution	754
Community Resolution with professional staff during meeting	37
Apology	13
Other Actions as decided in Restorative Meeting/Conference	2

Note: 2 restorative meetings/restorative conferences were facilitated during the 2020-21 academic year with a total of 14 participants.

Breach of Residence Agreement

Focus: Breach of contract

Administered by: Residence Services

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 of expectations, letter of conditions (including temporary restrictions), revoked visiting privileges, relocation, probationary status or eviction

Temporary outcome used for 2020-2021: COVID-19 Written Warning

For the 2020/2021 academic year:	
Outcome	Number
Letter of Expectations	98
Letter of Conditions	1
Alcohol Conditions	1
Revoked Visiting Privileges	8
Unit Relocation	2
Probationary Status	8
Eviction	5
COVID-19 Written Warning	121

Context Information:

The 2020-21 residence population averaged 23% occupancy of the previous year due to the COVID-19 pandemic between July 1, 2020 and June 30, 2021.

Residence Life implemented a new staffing structure in 2020-21 where one Coordinator manages most community management within residence, and almost all administrative tracking. This change makes us highly confident in the consistency and accuracy of these numbers in comparison to previous years.

Notable trends in residence generally:

1. 749 total documented incidents, with many involving multiple students.
2. 411 (54%) of documented incidents occurred in first year residences.
3. Substance use was involved in a number of incidents: 54 incidents were identified as being related to alcohol consumption, 38 identified as related to cannabis.
4. Residence put into place COVID-19 Safety Expectations during the 2020-2021 academic year. These expectations changed throughout the year in response to provincial and university guidance.

Documented COVID-19 Safety Expectation Violations:

Behaviour	Number
Not wearing mask	822
Common room over capacity	517
Physical distancing	381
Guest violation	117
Putting community at risk	116
Hosting gathering that puts community at risk	99
Breach of isolation	6

(these cases were included in the numbers reported under the Residence Community Standards Policy and Breach of Residence Agreement)

Augustana Community Standards

[Policy Link](#)

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

Administered by: Augustana Residence Life

Preamble:

“The purpose of the [Augustana] 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.” (Augustana Community Standards).

Restorative Practices are used primarily for Community Resolutions and Restorative Meetings. Conversations focus on resident rights and responsibilities, with the option of the Breach of Residence Agreement (contractual) process when restorative practices are not appropriate or unsuccessful.

Potential outcomes:

Community resolutions with restorative outcomes

Notes:

1. There were a total of 8 Community Resolutions (CRs), involving noise (6), alcohol (1), and inappropriate behaviour (1) .
2. Due to remote teaching, only the ravine residence was in operation, with significantly lower density. Students were assigned to single rooms, many with their own washroom because the adjoining room was empty.
3. Given that the community was spaced out and that the RAs rarely spent time mixing with the residents, RAs did not initiate any CRs themselves but responded to issues of particular concern when other residents raised them.

For the 2020/2021 academic year:	
Outcome	Number
Community Resolution	8

Code of Student Behaviour

[Policy Link](#)

Focus: Student academic and non-academic misconduct
Administered by: Student Conduct & Accountability (SCA)

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 at least one offence under the *Code*.

Types of misconduct 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 the totality of circumstances in each case.

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

Complaints of non-academic misconduct are investigated by UAPS and referred to SCA with recommendations for sanctions.

Academic misconduct complaints start with a report from a course instructor to the Dean (or delegate) of the Faculty in which the course is offered. The Dean makes the initial finding and imposes Minor and/or Intermediate Sanctions. Where Severe Sanctions are warranted, the Dean makes a recommendation to the Discipline Officer.

Any single case can involve multiple offences and/or multiple sanctions.

Potential outcomes:

Sanctions as defined in the *Code*, 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 cases in 2020/21: 30

20 Academic
 10 Non-academic

Violations ¹ considered:		
Plagiarism		3
Cheating 14 total	Unauthorized Source	8
	Misrepresentation	2
	Editorial Assistance	3
	Resubmission	0
	Fabrication	1
Research and Scholarship Misconduct		1
Misrepresentation of Facts for academic advantage		5
Disruption		5
Violations of Safety or Dignity 9 total	Physical/sexual contact	0
	Physical abuse/threats	1
	Creating a condition	5
	Harassment/Sexual harassment	3
	Verbal/written threats	0
Damage to Property		0
Unauthorized use		5
Breach of Rules External to the <i>Code</i>		5

¹ See the *Code of Student Behaviour* for complete definitions of Offences.

Academic Misconduct Faculty Referrals for Severe Sanctions:	
Faculty of Arts	8
Alberta School of Business	2
Augustana Faculty	1
Faculty of Engineering	5
Faculty of Science	3
Faculty of Graduate Studies and Research	1

Notable trends:

1. Case numbers dropped by 10% over 2019-20.
2. Recommendations for Severe Sanctions from Deans were relatively steady (20 this year and 19 last year), while non-academic misconduct dropped significantly (10 this year as compared to 14 in 2019/20).
3. Three of the 10 non-academic cases constituted sexual violence, as defined in the Sexual Violence Policy.
4. Fifteen of the students found to have committed academic misconduct had a prior finding under the Code. None of the students with non-academic misconduct cases had a previous violation.
5. No students reported that their offence occurred while they were intoxicated or as a result of being intoxicated.

Sanctions:	
Intermediate sanctions:	
Conduct Probation Conditions ²	24
Reprimand	1
Severe Sanctions:	
Expulsion	1
Suspension	12
Exclusion	3

² A student can have one or more Conduct Probation conditions.

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 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 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 exclusion from University facilities and activities (full or partial), 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 9 Protocols this academic year, all involved either threats or harm to others, including physical assault, harassment/stalking and other threatening behaviour (to persons or buildings).
3. The Dean of Students may impose multiple conditions, all of which are tailored to the specific situation at hand, including measures that ensure the safety of the community, and help students to realign their conduct with their educational goals.
4. Three of the Protocols began with exclusions from Residences or campus. However, the conditions were reconsidered as each situation evolved. In addition, 1 case with an exclusion from campus from the 2017/18 academic year was amended and the student was allowed to return to campus, with conditions.
5. The number of Protocols was up 28% this year from a total of 7 in the 2019/20 academic year.

For the 2020/2021 academic year:		
Protocol 91 9 total	Restrictions from campus	3
	Other conditions	6

Sexual Violence Policy

[Policy Link](#)

Focus: Support for those who have experienced sexual violence
Administered (for students) by: Office of the Dean of Students

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 those who have experienced sexual violence) or Interim Measures (non-disciplinary measures for the student 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.

Potential outcomes:

Modifications for those who have disclosed experiences of sexual violence, voluntary or interim measures for person named as having committed the sexual violence.

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

Interim measures are non-disciplinary measures applied by the Dean of Students. Where the measures affect a student's program, every effort is made to accommodate the academic needs of those under conditions. Examples include: non-contact orders, or instructions on where or when to move through certain areas of campus.

Examples of *Voluntary measures*: agreement not to contact the person who disclosed, or agreement to avoid certain areas.

For the 2020/2021 academic year:

Disclosures	30
Modifications	19
Interim Measures	9
Voluntary Measures	1
Safe House usage	19

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 indicative of the overall incidence of sexual violence in our community.
3. Disclosures to the DoS have decreased by 38% compared to the 2019/20 academic year. It should be noted that the decrease in students living on campus may have impacted the number of disclosures, as students in residence have made up a significant proportion of individuals disclosing sexual violence in previous years. Despite the decrease in disclosures of sexual violence, there was an increase in the number of survivors requesting modifications under the Sexual Violence Policy.
4. Safe House is the university's emergency housing program that is jointly operated by the Dean of Students Office and Residence Services. Students are eligible for Safe House if they meet any of the following criteria:
 - 1) are experiencing an immediate personal safety risk (i.e. emotional, physical, and/or sexual harm),
 - 2) facing intolerable living conditions, or
 - 3) are financially destitute.Safe House usage declined and demand slightly decreased after the transition to remote learning in March but has returned to steady use by August.

Student Groups Procedure

Focus: Relationship between Student Groups and the University
Administered by: Office of the Dean of Students

Student Groups that are recognized by the Dean of Students enjoy a number of benefits, including the ability to use University facilities, 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 their 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 2020/2021 academic year:

No Student Group had its recognition revoked.