



The following Motion and Documents were considered by the Board of Governors during an electronic vote held from November 18-22, 2022:

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Agenda Title: **Revisions to Sexual Violence Policy and new Student Conduct Policy (to replace non-academic portions of the Code of Student Behaviour)**

*Whereas additional revisions to the Sexual Violence Policy ("Sexual and Gender-Based Violence Policy") were made following the original recommendations by the Board Human Resources and Compensation Committee, Board Learning, Research and Student Experience Committee, and General Faculties Council;*

*and*

*Whereas the additional revisions were recommended by General Faculties Council at its meeting on November 14, 2022:*

APPROVED MOTION: THAT the Board of Governors, on the recommendation of the Board Human Resources and Compensation Committee, Board Learning, Research and Student Experience Committee, and General Faculties Council, approve:

- the revised Sexual Violence Policy ("Sexual and Gender-Based Violence Policy"), as set forth in Attachment 2;

and on the recommendation of the Board Learning, Research and Student Experience Committee, and General Faculties Council, approve:

- the Student Conduct Policy and associated Procedures, as set forth in Attachments 4 through 7; and
- the rescission and amendment of sections of the Code of Student Behaviour identified in Attachment 8.

Final Item: 1.

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**Governance Executive Summary  
Action Item**

<b>Agenda Title</b>	<b>Revisions to Sexual Violence Policy and new Student Conduct Policy (to replace non-academic portions of the Code of Student Behaviour)</b>
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**Motion**

<p><i>Whereas additional revisions to the Sexual Violence Policy (“Sexual and Gender-Based Violence Policy”) were made following the original recommendations by the Board Human Resources and Compensation Committee, Board Learning, Research and Student Experience Committee, and General Faculties Council;</i></p> <p><i>and</i></p> <p><i>Whereas the additional revisions were recommended by General Faculties Council at its meeting on November 14, 2022:</i></p> <p>THAT the Board of Governors, on the recommendation of the Board Human Resources and Compensation Committee, Board Learning, Research and Student Experience Committee, and General Faculties Council, approve:</p> <ul style="list-style-type: none"> <li>the revised Sexual Violence Policy (“Sexual and Gender-Based Violence Policy”), as set forth in Attachment 2; and</li> </ul> <p>on the recommendation of the Board Learning, Research and Student Experience Committee, and General Faculties Council, approve:</p> <ul style="list-style-type: none"> <li>the Student Conduct Policy and associated Procedures, as set forth in Attachments 4 through 7; and</li> <li>the rescission and amendment of sections of the Code of Student Behaviour identified in Attachment 8.</li> </ul>
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**Item**

Action Requested	<input checked="" type="checkbox"/> Approval <input type="checkbox"/> Recommendation
Proposed by	Verna Yiu, Interim Provost and Vice-President (Academic)
Presenter(s)	Verna Yiu, Interim Provost and Vice-President (Academic) Deborah Eerkes, Sexual Violence Response Coordinator

**Details**

Office of Administrative Responsibility	Provost and Vice-President (Academic)
The Purpose of the Proposal is <i>(please be specific)</i>	To approve: amendments to the Sexual Violence Policy, the Student Conduct Policy and associated procedures, and the rescission of associated portions of the Code of Student Behaviour. These proposals are brought forward in order to comply with the February 2022 communication from the Minister of Advanced Education.



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Executive Summary  
(outline the specific item – and remember your audience)

**Note:** the Executive Summary is unchanged from the October 14, 2022 Board of Governors meeting, except for the addition of the section entitled: Transition period for Code of Student Behaviour and Student Conduct Policy/Procedures. See **“Supplementary Notes” (below) for summary of changes since the October 14, 2022 Board meeting.**

**Background:**

In February 2022, the Minister of Advanced Education, Demetrios Nicolaidis, and Associate Minister of Status of Women, Whitney Issek, issued a joint letter to the governing bodies of all public post-secondary institutions in Alberta (hereafter, the “Ministers’ Letter”). The Ministers’ Letter requires that all public post-secondary institutions in Alberta update their sexual violence policies and procedures with specific attention to providing procedural fairness and implementing trauma-informed practices for both complainants and respondents to a complaint. Any requisite amendments must be submitted to the Minister no later than November 2022.

In addition, the University of Alberta has committed to reviewing its sexual violence policy documents and related processes to ensure clarity, consistency, and effectiveness.

The University’s *Sexual Violence Policy* suite incorporates the *Code of Student Behaviour* (“Code”) as the procedure to be used to adjudicate complaints of sexual violence when the individual under allegation is a student. Accordingly, the revisions required by the Ministers’ Letter apply not only to the University’s *Sexual Violence Policy* suite, but to the Code as well.

The current Code is a single and combined policy and procedure document that addresses academic misconduct, non-academic misconduct, sanctions and the procedures to be followed by relevant offices. To meet the requirements of the Ministers’ Letter and to ensure its fairness, integrity and accessibility, it is proposed that the non-academic portions of the Code be replaced with a new Student Conduct policy suite using the UAPPOL format.

**Current Proposal:**

Accordingly, approval is requested for:

- Amendments to the Sexual Violence Policy (to be renamed the Sexual and Gender-Based Violence Policy, with corresponding renaming to be applied to the subordinate Procedure);
- Adoption of the new Student Conduct Policy and associated Procedures (Student Misconduct Complaint Procedure, Student Misconduct Ticket Procedure, Student Misconduct Appeal Procedure);
- Rescission & amendment of the corresponding sections of the Code.

*The legislated role of GFC and the Board re student discipline:*

Section 31 of the *Post-Secondary Learning Act* (PSLA) gives **General Faculties Council (GFC)** general supervision of student affairs including authority over student discipline. In addition to this authority over student



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<p>Supplementary Notes and context</p>	<p><b>Note:</b> this section has been revised since the item was before the Board on October 14, 2022.</p> <p>Approval of the revised Sexual and Gender-Based Violence Disclosure Procedure is within the delegated authority of the Provost &amp; Vice-President (Academic) and the Vice-President (University Services and Finance). The revised procedure will be implemented following Board approval of the policy changes.</p> <p><b>Changes to proposal since GFC/Board Committee initial review:</b></p> <ul style="list-style-type: none"> <li><b>NEW:</b> <u>Sexual Violence Policy – changes following the October 14 Board of Governors meeting:</u></li> </ul> <p>The Sexual and Gender-Based Violence (SGBV) Policy was recommended by both the Board Learning, Research, and Student Experience Committee (BLRSEC) and the Board Human Resources and Compensation Committee (BHRCC) on September 26 and 27, respectively. Subsequent to BHRCC's recommendation, BHRCC members discussed and requested revisions specific to faculty and staff and the potential power-imbalance in a teaching or supervisory relationship as well as to comply with requirements of the Occupational Health and Safety Act of Alberta.</p> <p>Following discussion of draft changes to address Board concerns at the October Board meeting, the Board of Governors tabled the motion to revise the Sexual Violence policy, approve the Student Conduct Policy and associate procedures, and rescind and amend the Code of Student Behaviour, until such time that questions raised by members regarding the intentions of the Sexual Violence Policy could be resolved and further consultation with the student leaders could take place. Following the Board meeting, the University worked with members of the Board and student leaders on policy revisions now reflected in Attachment 2. These revisions were recommended by General Faculties Council on Nov 14, 2022.</p> <p>These changes:</p> <ul style="list-style-type: none"> <li>● strengthen the University's commitment to create an environment where people feel more comfortable disclosing incidents of sexual and gender-based violence,</li> <li>● emphasize the university's responsibility to protect current and future students (and other employees of the university) from being traumatized by continuing acts of SGBV, and</li> <li>● recognize the power imbalance that is often a contributing factor in incidences of sexual violence.</li> </ul> <p>These changes do not alter the University's commitment to a survivor-centred approach to responding to sexual and gender-based violence, which is a requirement of the government's recent directive.</p>
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	<ul style="list-style-type: none"> <li>• <u>Student Conduct Policy - editorial change to correct error:</u></li> </ul> <p>Following recommendations by all governance bodies, an error to section numbers in Section 16.b of the Student Conduct Policy (Attachment 4, page 9) was discovered. The errors have been deemed editorial by University Governance and have been corrected.</p>
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**Engagement and Routing** (Include meeting dates)

<p>Consultation and Stakeholder Participation (parties who have seen the proposal and in what capacity)</p> <p>&lt;For information on the protocol see the <a href="#">Governance Resources section Student Participation Protocol</a>&gt;</p>	<p>Policy development was led by a working group of content experts. Representation on this working group included the Office of the Provost, the Office of Student Judicial Affairs, General Counsel, and external legal counsel. The working group undertook an extensive consultation process. The following stakeholders were consulted:</p> <ul style="list-style-type: none"> <li>• Association of Academic Staff of the University of Alberta (AASUA)</li> <li>• Non-Academic Staff Association (NASA)</li> <li>• Post-Doctoral Fellows Association (PDFA)</li> <li>• Graduate Students’ Association (GSA)</li> <li>• Students’ Union (SU)</li> <li>• Black Students’ Association</li> <li>• Indigenous Students’ Association</li> <li>• Augustana Students’ Association</li> <li>• Sexual and Gender-Based Violence Advisory Council</li> <li>• Deans’ Council</li> <li>• Vice-Provosts’ Council</li> <li>• President’s Executive Committee - Operations</li> <li>• Provost’s Advisory Committee of Chairs</li> <li>• Internal units: Faculty Relations, Human Resource Services, Dean of Students, Sexual Assault Centre, Ombuds, Student Conduct, Wellness Supports, First Peoples House, Office of General Counsel, Colleges and Faculties, Residence Life, Office of Safe Disclosure and Human Rights, Helping Individuals at Risk</li> </ul>
<p>Approval Route (Governance) (including meeting dates)</p>	<p>Student Conduct Policy Committee - September 8 GFC Executive - September 12 Council on Student Affairs – September 15 GFC - September 19 Board Learning, Research and Student Environment Committee - Sept 26 Board Human Resources and Compensation Committee – Sept 27 Board of Governors - October 14 - item tabled General Faculties Council - November 14, 2022 - recommendation of revised Sexual Violence Policy Board of Governors - November 2022 evote - for final approval</p>

**Strategic Alignment**

<p>Alignment with <i>For the Public Good</i></p>	<p><i>Sustain, Objective 19: Prioritize and sustain student, faculty, and staff health, wellness, and safety by delivering proactive, relevant, responsive and accessible services and initiatives.</i></p>
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Legislative Compliance and jurisdiction	<ul style="list-style-type: none"> <li>• The <i>Post Secondary Learning Act</i> (PSLA) authorizes the General Faculties Council (or delegate) to discipline students, subject to an appeal to the Board (or delegate). The University therefore has the authority to create student conduct and discipline policy and procedures which reflect our academic context, are based on best practices and meet the Ministers' requirements. The PSLA assigns authority over appeal processes to the Board of Governors.</li> <li>• BLRSEC Terms of Reference – Sections 2(h)(o)(q)</li> <li>• BHRCC Terms of Sections 2(c)(bb)</li> </ul>
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Attachments:

1. Summary of Policy Changes – attached, for information (4 pages)
2. [Draft Sexual and Gender-Based Violence Policy](#) (revised) – **for approval, showing redlined changes as requested by BHRCC and recommended by GFC** (15 pages)
3. [Draft Sexual and Gender-Based Violence Disclosure Procedure](#) (revised) – for information (17 pages)
4. [Draft Student Conduct Policy](#) (new) – **for approval** (24 pages)
5. [Draft Student Misconduct Complaint Procedure](#) (new) – **for approval** (14 pages)
6. [Draft Student Misconduct Ticket Procedure](#) (new) – **for approval** (6 pages)
7. [Draft Student Misconduct Appeal Procedure](#) (new) – **for approval** (14 pages)
8. [Rescission of affected sections of the Code of Student Behaviour](#) – **for approval** (47 pages)

**FOR INFORMATION ONLY: Context / Background Material:**

9. [Case for Action](#)
10. [Feedback submitted by Association of Academic Staff of the University of Alberta](#)
11. [Feedback submitted by Non-Academic Staff Association](#)
12. [Feedback submitted by Post-Doctoral Fellows Association](#)
13. [Feedback submitted by Graduate Students' Association](#)
14. [Copy of Ministers' Letter](#)
15. [Copy of Ministers' Checklist](#)
16. Preliminary content for online Sexual and Gender-Based Violence (SGBV) Application and Interpretation Guides:
  1. [SGBV Options Navigation Network](#)
  2. [SGBV Education and Training](#)
  3. [Options, Resources and Services for those who have been subjected to SGBV](#)
  4. [Interim Measures Examples and Supports](#)

Prepared by: Logan Mardhani-Bayne, Strategic Development Manager, Office of the Provost and Vice-President (Academic)

**Summary of changes to Sexual Violence Policy and Code of Student Behaviour  
Board of Governors, October 14, 2022**

In February 2022 the Minister of Advanced Education and the Associate Minister of Status of Women directed all Alberta PSIs to review and revise their sexual violence (SV) policies and procedures to ensure they were modernized and consistent with both certain general principles and specific requirements and prohibitions and aligned with best and promising practices as referenced in the [Courage to Act](#) project (the “Ministers’ Directive”). In particular, Alberta PSIs were directed to ensure their SV policies were survivor-driven, trauma-informed and procedurally fair for both parties. The requirements under the Ministers’ Directive are not optional.

The University’s current *Sexual Violence Policy* suite incorporates the *Code of Student Behaviour* (“Code”) as the procedure to be used to adjudicate complaints of sexual violence when the individual under allegation is a student. Accordingly, the revisions required by the Ministers’ Directive also apply to the *Code* as well. To meet the requirements of the Ministers’ Directive it is proposed that the non-academic portions of the *Code* be replaced with a new *Student Conduct Policy* suite.

The PSLA gives GFC authority over student discipline “subject to a right of appeal to the board”. Accordingly, the Board is identified as the approver for the *Student Misconduct Appeal Procedure* and portions of the *Student Misconduct Ticket Procedure* related to appeals. Upon approval, the Board delegates the functions in the appeal processes to the persons identified in these procedures. Because the Board has the authority to approve the appeal procedures, the entire policy suite will be approved by the Board in this instance.

Approval required (links provided here are the same as those on the GES)	Section(s) to Focus on	Approving body for future amendments
<a href="#">SGBV Policy (revised) - Attachment 2</a>	Entire policy	Board committee (or BG for changes with significant institutional impact)
<a href="#">Student Conduct Policy - Attachment 3</a>	Section 16 Review and Amendments	GFC, except for circumstances in which proposed changes are being made to or impact section 16
<a href="#">Student Misconduct Ticket Procedure - Attachment 6</a>	Section 9 Appealing a Misconduct Ticket	BLRSEC (or BG for changes with significant institutional impact.)
<a href="#">Student Misconduct Appeal Procedure - Attachment 7</a>	Entire procedure	BLRSEC (or BG for changes with significant institutional impact)
<a href="#">Code of Student Behaviour - Attachment 8</a>	Rescissions include all non-academic misconduct, amendments are grammatical in nature	Depends on nature of change - see section 30.7 of COSB

**Note to Board members: The Sexual and Gender-Based Violence (SGBV) Policy was recommended by both BLRSEC and BHRCC on September 26 and 27, respectively (both committees saw the document in Open Session, Item 2, Attachment 1). Subsequent to BHRCC's recommendation, BHRCC members discussed and requested that the policy be revised. Following the Board meeting on October 14th at which the item was tabled for further discussion with student leaders, revisions were brought back to GFC for formal recommendation to the Board. These changes:**

- **strengthen the University's commitment to create an environment where people feel more comfortable disclosing incidents of sexual and gender-based violence,**
- **emphasize the university's responsibility to protect current and future students (and other employees of the university) from being traumatized by continuing acts of SGBV, and**
- **recognize the power imbalance that is often a contributing factor in incidences of sexual violence.**

**These changes do not alter the University's commitment to a survivor-centred approach to responding to sexual and gender-based violence, which is a requirement of the government's recent directive.**

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#### **SUMMARY OF CHANGES** (in addition to those outlined above):

The specific elements required in the Ministers' Directive are marked with an asterisk (\*) below. To the extent that elements required in the Ministers' Directive were already enshrined in our policies, those elements are not included in the list below.

#### ***Sexual & Gender-Based Violence Policy Suite***

1. Combines definitions of University, University Functions and University Activities into one term (Learning Environment) to align with University's mission statement;
2. Includes gender-based violence (best practice);
3. Expands definition of SGBV to include retaliation, in recognition that it is part of the same pattern of behaviour and does not rely on a separate complaint (best practice, trauma-informed, survivor-driven);
4. Converts to plain language (trauma-informed);
5. Defines parties to a complaint, providing procedural fairness rights and trauma-informed practice for both complainants and respondents to a complaint;
6. Clarifies privacy, disclosure and confidentiality (trauma-informed, survivor driven);
7. \*Explicitly recognizes intersectional impacts of SGBV (best practice);
8. \*Stipulates required training for all involved in complaint processes;
9. \*Adds immunity from disciplinary action for alcohol/drug infractions for those reporting SGBV;
10. \*Eliminates face to face hearings;
11. \*Removes references to bad faith complaints (i.e. begins with the presumption that all complaints are made in good faith);



12. Protects from irrelevant questions (trauma-informed, best practice);
13. Opens the door to non-disciplinary accountability options (survivor driven, best practice) and \*culturally specific options;
14. \*Includes anonymous or 3rd party reporting option;
15. \*Lists culturally specific supports;
16. Creates Options Navigation Network (trauma-informed, survivor-driven);
17. Converts Information Documents to searchable web pages (trauma-informed); and
18. \*Adds timelines where they did not previously exist and requires\* periodic reviews.



### ***Student Conduct Policy and procedures***

1. Separates policies for non-academic student conduct and academic integrity (under development);
2. \*Modernizes and aligns with best and promising practices for student conduct and sexual and gender-based violence;
3. Moves from an adversarial and punitive approach to an investigative and human-rights based approach (survivor-driven);
4. Converts to UAPPOL format;
5. Converts to plain language (trauma-informed);
6. Firmly roots policy and procedures in the academic environment and administrative law context (best practice);
7. Combines definitions of University, University Functions and University Activities into one term (“Learning Environment”) to align with University’s mission statement;
8. Makes the potential for voluntary non-disciplinary resolution explicit (trauma-informed, survivor driven);
9. \*Specifies timelines;
10. \*Defines parties to a complaint, providing procedural fairness rights and trauma-informed for both complainants and respondents to a complaint;
11. \*Clarifies privacy, disclosure and confidentiality (trauma-informed, survivor driven);
12. Separates out and updates definitions of, and information about, violations (Schedules A and B) and sanctions (Schedule C);
13. Provides information about concurrent criminal, civil, or other proceedings (survivor-driven);
14. Adds interim measures as a tool (trauma-informed, survivor driven);

15. Provides sanctioning guidelines;
16. Lays out parties' obligations to participate (trauma-informed);
17. \*Stipulates required training for investigators and decision-makers;
18. \*Requires periodic reviews;
19. Moves complaint intake to the Office of the Dean of Students (trauma-informed, survivor driven);
20. Fully separates investigation and decision-making (procedural fairness);
21. Clarifies process for accepting a complaint (trauma-informed);
22. \*Removes "false allegations" violation;
23. \*Eliminates any face to face hearings;
24. \*Makes explicit the opportunity to make procedural requests, challenge, respond to, and provide information and submit impact statements (trauma-informed, procedural fairness);
25. Appeal is a true appeal on the record;
26. \*Specifies impartial appeal panel;
27. \*Stipulates required training for appeal panel members;
28. \*Provides right of appeal to complainant;
29. No automatic suspension of sanctions on appeal; and
30. Specifies the standard of review on appeal:
  - a. deference to decision-maker;
  - b. Appeal Panel not authorized to make new findings;
  - c. Appeal Panel may (1) grant an appeal and overturn the decision; (2) grant an appeal and remit back to a Student Conduct Officer remedy the errors and issue a new decision; (3) substitute a different sanction; or (4) deny an appeal; and
  - d. standard of correctness with regard to questions of application and interpretation, and reasonableness with respect to decisions and sanctions.

### ***Code of Student Behaviour***

1. Rescinds all non-academic portions of the *Code*;
2. 30.3.1(1) Limits application of *Code* to academic conduct only, that is, misconduct for the purpose of gaining unfair academic advantage;
3. 30.5.3 routes complaints of class disruption to the Dean of Students to apply the *Student Conduct Policy* rather than the Dean of the Faculty in which the course is offered; and
4. Throughout, grammar adjustments as necessary.