

**FOR INFORMATION**

**PUBLIC**

**OPEN SESSION**

**TO:** University Affairs Board

**SPONSOR:** Sandy Welsh, Vice-Provost, Students

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**PRESENTER:** same as above

**CONTACT INFO:**

**DATE:** May 18, 2016 for May 25, 2016

**AGENDA ITEM:** 9

**ITEM IDENTIFICATION:**

Annual Report on Cases of Non-Academic Discipline: 2015-16

**JURISDICTIONAL INFORMATION:**

Section 5.6 of the *Terms of Reference* for the University Affairs Board provides that:

The Board receives, annually from its assessors, reports on matters within its areas of responsibility, (for example, but not limited to, trademark licensing, **non-academic discipline**, and submission of audited financial statements of student societies) including statements of current issues, opportunities and problems, and recommendations for changes in policies, plans or priorities that would address such issues.

Section 5 of the *Memorandum on the Maintenance and Use of Records of Non-Academic Discipline Proceedings*, which is appended to the *Code of Student Conduct, 2002*, provides that:

Decisions of the Hearing Officer, including the name of the respondent, the offence and the sanction, shall be reported to the Vice-President & Provost, who shall convey the information, anonymously and in statistical form, annually to the University Affairs Board.

**GOVERNANCE PATH:**

1. **University Affairs Board [For Information] (May 25, 2016)**

## **PREVIOUS ACTION TAKEN:**

The previous report was presented to the University Affairs Board on April 26, 2005.

## **HIGHLIGHTS:**

The *Code of Student Conduct*, together with other specific codes of conduct such as residence, athletics facilities, and library use codes, sets out expectations for student behaviour and prescribes processes for dealing with behaviour that is prohibited under the *Code*.

In October 2009, the Office of the Vice-Provost, Students undertook a process review of the *Code of Student Conduct* to consider administrative and procedural issues, including University-wide consistency of approach and application where appropriate. The review prompted the development of a more robust structure in order to support the Policy. Efforts were made to support divisional appointments by Division Heads, the Student's Companion to the Code document was published to assist students, staff and faculty in understanding and interpreting the *Code*. Additionally, workshops were developed in partnership with the Appeals, Discipline and Faculty Grievances Office to assist those responsible for administering the *Code* at the divisional level.

The *Code of Student Conduct, 2002* provides that decisions of Hearing Officers are conveyed to the University Affairs Board. A Hearing has not occurred since 2001-2002. One case proceeded to a Hearing in 2014-2015. Information regarding the outcome of the Hearing is available on page 3. For reporting purposes, the reporting year corresponds to the academic year - from July 1 - June 30. The data is collated based on the academic year in which a case is closed.

*Code of Student Conduct* cases may be concluded by a number of means: an informal resolution, a hearing, the withdrawal of charges or addressing the matter under another code, policy or guideline. A *Code of Student Conduct* case may also be considered concluded when the matter has not reached a decision through the University's process, such as: a) a resolution is unlikely, and b) the matter is resolved via a legal settlement between legal counsel for the University and for the respondent. There are also cases where the need to resolve is precluded, including cases where the respondent is legally prevented from engaging with the University, either as a result of a court matter, or through a University-served Notice of Trespass, or when the student has formally withdrawn from the University.

The information presented within this report relates to concluded *Code of Student Conduct* cases that have been reported to the Office of the Vice-Provost, Students and the Office of Appeals, Discipline and Faculty Grievances for the 2011-2012 to 2015-2016 academic years. The report includes data for the 2015-2016 academic year as of April 30, 2016. This information will be updated to reflect the entire 2015-2016 academic year in subsequent versions of the report, which will be submitted to the University Affairs Board annually for information.

The report provides statistics regarding types of offenses, divisional statistics, interim measures and conditions, concluded cases, and timeliness under the *Code of Student Conduct*.

**FINANCIAL AND/OR PLANNING IMPLICATIONS:**

There are no financial implications.

**RECOMMENDATION:**

For Information.

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**DOCUMENTATION PROVIDED:**

Summary of Divisional Non-Academic Discipline Cases.

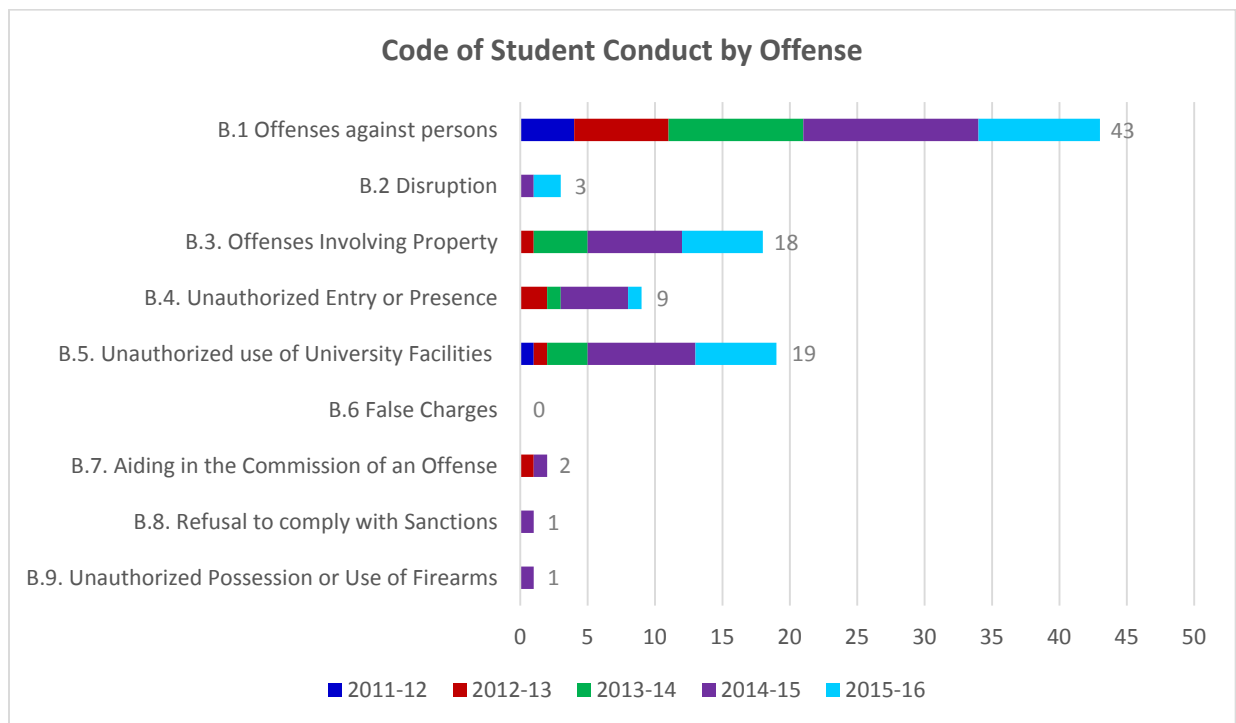
## Summary of Non-Academic Discipline Cases

The information presented within this report relates to concluded Code of Student Conduct cases that have been reported to the Office of the Vice-Provost, Students and the Office of Appeals, Discipline and Faculty Grievances for the 2011-2012 to 2015-2016 academic years. The report includes data for the 2015-2016 academic year as of April 30, 2016. The data within the report is categorized based on the date that the matter concluded.

TABLE 1 – Type of Offenses & Total Cases<sup>1</sup>

(July 1 – June 30)

Offense	2011-12	2012-13	2013-14	2014-15	2015-16
B.1 Offenses against persons	4	7	10	13	9
B.2 Disruption	0	0	0	1	2
B.3. Offenses involving property	0	1	4	7	6
B.4. Unauthorized Entry or Presence	0	2	1	5	1
B.5. Unauthorized use of University facilities, equipment or services	1	1	3	8	6
B.6 False charges	0	0	0	0	0
B.7. Aiding in the Commission of an Offense	0	1	0	1	0
B.8. Refusal to comply with sanctions	0	0	0	1	0
B.9. Unauthorized Possession or Use of Firearms or Ammunition	0	0	0	1	0
<b>Total Offenses by Year</b>	<b>5</b>	<b>12</b>	<b>18</b>	<b>37</b>	<b>24</b>
<b>Total Cases by Year</b>	<b>4</b>	<b>9</b>	<b>13</b>	<b>21</b>	<b>17</b>



<sup>1</sup> The numbers presented here relate to the number of alleged offenses under the Code and do not correlate to the total number of cases. It is possible for a Code of Student Conduct case to involve more than one offense to be investigated as part of the allegations.

TABLE 2 - Cases by Division

(July 1 – June 30)

Division	2011-12	2012-13	2013-14	2014-15	2015-16
Faculty of Arts & Science					
<i>Innis College</i>	0	0	1	0	0
<i>New College</i>	2	0	2	3	1
<i>St. Michael's College</i>	0	0	1	2	2
<i>Trinity College</i>	0	0	0	0	0
<i>University College</i>	0	3	0	4	2
<i>Victoria College</i>	1	1	0	0	1
<i>Woodsworth College</i>	0	1	1	1	1
University of Toronto Mississauga	0	0	2	5	1
University of Toronto Scarborough	0	0	4	1	1
Faculty of Applied Science & Engineering	1	2	0	2	1
John H. Daniels Faculty of Architecture, Landscape & Design	0	0	0	0	0
Faculty of Dentistry	0	0	0	0	0
Faculty of Forestry	0	0	0	0	0
Faculty of Information	0	0	0	1	0
Faculty of Kinesiology & Physical Education	0	0	1	0	3
Faculty of Law	0	0	0	0	1
Faculty of Music	0	0	0	0	0
Lawrence S. Bloomberg Faculty of Nursing	0	0	0	0	0
Ontario Institute for Studies in Education	0	0	0	1	0
Leslie Dan Faculty of Pharmacy	0	0	0	0	0
Dalla Lana School of Public Health	0	0	0	0	0
Rotman School of Management	0	0	0	0	1
School of Continuing Studies	0	0	0	0	0
School of Graduate Studies <sup>2</sup>	0	2	0	1	2
Factor-Inwentash Faculty of Social Work	0	0	0	0	0
Transitional Year Program	0	0	1	0	0
<b>Total</b>	<b>4</b>	<b>9</b>	<b>13</b>	<b>21</b>	<b>17</b>

<sup>2</sup> The School of Graduate Studies oversees the administration of the Code for Graduate Students in consultation with the home division.

**Note:** The Faculty of Medicine, at their discretion, uses alternative processes for handling complaints made, offences committed, or unacceptable behavior by learners and medical trainees. See [www.md.utoronto.ca/policies](http://www.md.utoronto.ca/policies).

TABLE 3 - Cases Involving Interim Measures or Conditions

(July 1 - June 30)

	2011-12	2012-13	2013-14	2014-15	2015-16
<b>Interim Measures</b>	0	1	1	4	2
<b>Interim Conditions</b>	0	0	4	1	3

TABLE 4 - Hearings

(July 1 - June 30)

	2011-12	2012-13	2013-14	2014-15	2015-16
<b>Hearings</b>	0	0	0	1	0

## HEARING SUMMARY

### *Damages to a residence room and possession of air guns*

**OFFENSES:** Sections B(1) Offenses Against Persons (c) *No person shall knowingly create a condition that unnecessarily endangers the health or safety of other persons*, B(3) Offenses Involving Property (a) *No person shall knowingly take, destroy or damage premises of the University of Toronto* and (b) *No person shall knowingly take, destroy or damage any physical property that is not her or his own*, and B(9) Unauthorized Possession or Use of Firearms or Ammunition: *No person other than a peace officer or a member of the Canadian Forces acting in the course of duty shall possess or use any firearm or ammunition on the premises of the University of Toronto without the permission of the officer of the University having authority to grant such permission.*

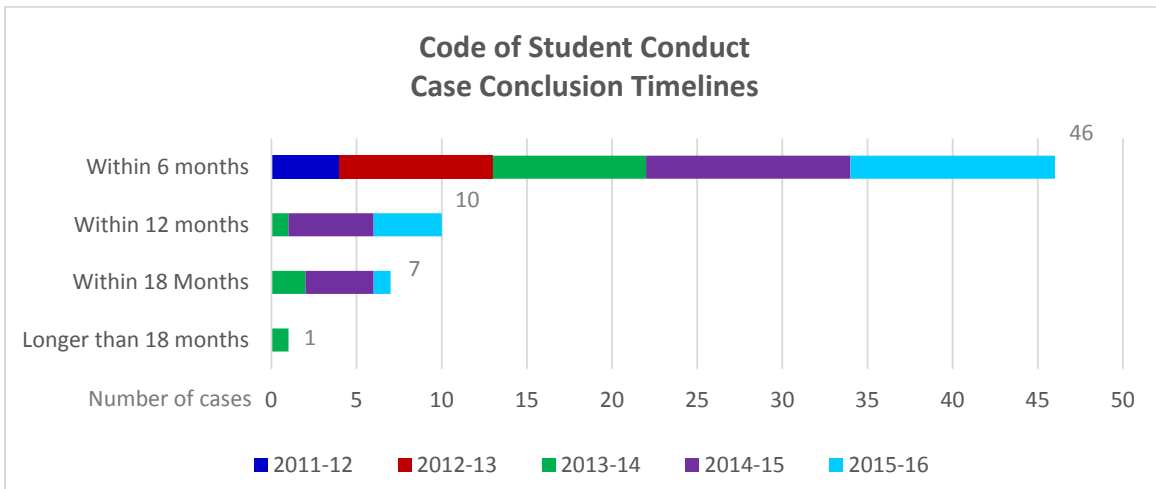
**SUMMARY:** The Student made major alterations to a residence room, in breach of the *Residence Code* and the *Code of Student Conduct*. The Student also possessed two air guns, one appearing to be a handgun and the other a rifle, both of which he altered to make appear more authentic.

**SANCTION:** One-year suspension; denial of access to classrooms and living space during the period of suspension; restitution to cover the cost of replacing and repairing damaged property; recommendation to Provost that the offence and sanction be published with the name of the Student withheld.

TABLE 5 – Time between Date of Offense and Case Conclusion<sup>3</sup>

(July 1 – June 30)

Year	Longer than 18 months	Within 18 Months	Within 12 months	Within 6 months
2011-12	0	0	0	4
2012-13	0	0	0	9
2013-14	1	2	1	9
2014-15	0	4	5	12
2015-16	0	1	4	12
<b>Total</b>	<b>1</b>	<b>7</b>	<b>10</b>	<b>46</b>



<sup>3</sup> Some cases may be re-opened