

**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:** October 31, 2019 for November 13, 2019

**AGENDA ITEM:** 7

**ITEM IDENTIFICATION:**

Annual Report on Cases of Non-Academic Discipline: 2018-19

**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] (November 13, 2019)**

**PREVIOUS ACTION TAKEN:**

The previous report was presented to the University Affairs Board on November 19, 2018.

**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*.

The *Code of Student Conduct, 2002* provides that decisions of Hearing Officers are conveyed to the University Affairs Board. 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; including an informal resolution, a hearing, the withdrawal of charges or addressing the matter under another code, policy or guideline

In January 2017, the University implemented the *Policy on Sexual Violence and Sexual Harassment*. As per the policy, where the respondent is a student, the matter may be referred to Hearing through *the Code of Student Conduct*. In such cases, the section of this report pertaining to Hearings will contain data should any Sexual Violence cases conclude by Hearing in the reporting year.

The information presented within this report relates to concluded *Code of Student Conduct* cases for the 2018-2019 academic year. 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

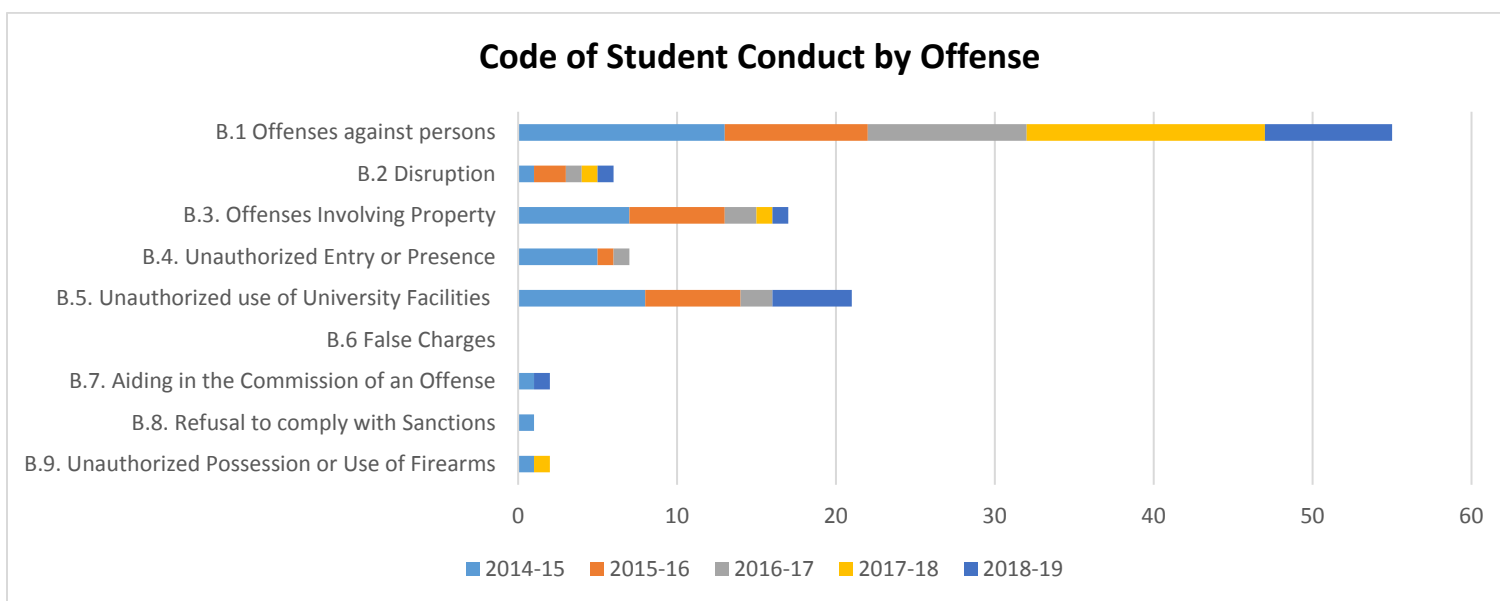
The information presented within this report relates to concluded *Code of Student Conduct* cases for the 2014-2015 to 2018-2019 academic years. The data within the report is categorized based on the date that the matter concluded. Please note that the data for 2017-18 has been updated since the submission of this report on November 19, 2018.

*NOTE: In February 2019, it came to the attention of OVPS that one case in Victoria College was closed in June 2018 and one case in the School of Graduate Studies had been closed in March 2018. Neither were reported in previous Non-Academic Discipline Reports. The 2017-18 statistics have been updated here to reflect these cases.*

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

(July 1 – June 30)

Offense	2014-15	2015-16	2016-17	2017-18	2018-19
B.1 Offenses against persons	13	9	10	15	10
B.2 Disruption	1	2	1	1	1
B.3. Offenses involving property	7	6	2	1	1
B.4. Unauthorized Entry or Presence	5	1	1	0	0
B.5. Unauthorized use of University facilities, equipment or services	8	8	2	0	4
B.6 False charges	0	0	0	0	0
B.7. Aiding in the Commission of an Offense	1	0	0	0	1
B.8. Refusal to comply with sanctions	1	0	0	0	0
B.9. Unauthorized Possession or Use of Firearms or Ammunition	1	0	0	1	0
<b>Total Offenses by Year</b>	<b>37</b>	<b>26</b>	<b>16</b>	<b>18</b>	<b>17</b>
<b>Total Cases by Year</b>	<b>21</b>	<b>19</b>	<b>12</b>	<b>13</b>	<b>12</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)*

<b>Division</b>	<b>2014-15</b>	<b>2015-16</b>	<b>2016-17</b>	<b>2017-18</b>	<b>2018-19</b>
<b>Faculty of Arts &amp; Science</b>					
<i>Innis College</i>	0	0	0	0	0
<i>New College</i>	3	1	0	1	0
<i>St. Michael's College</i>	2	2	0	1	0
<i>Trinity College</i>	0	0	2	1	0
<i>University College</i>	4	2	0	1	2
<i>Victoria College</i>	0	1	0	2	0
<i>Woodsworth College</i>	1	1	2	2	1
University of Toronto Mississauga	5	1	1	1	0
University of Toronto Scarborough	1	3	3	1	4
Faculty of Applied Science & Engineering	2	1	2	0	3
John H. Daniels Faculty of Architecture, Landscape & Design	0	0	0	0	0
Faculty of Dentistry	0	0	0	0	1
Faculty of Kinesiology & Physical Education	0	3	1	0	0
Faculty of Law	0	1	0	0	0
Faculty of Medicine	0	0	0	0	0
Faculty of Music	0	0	0	1	0
Lawrence S. Bloomberg Faculty of Nursing	0	0	0	0	0
Ontario Institute for Studies in Education	1	0	0	0	0
Leslie Dan Faculty of Pharmacy	0	0	0	0	0
School of Continuing Studies	0	0	0	0	0
School of Graduate Studies*	2	3	2	2	1
Transitional Year Program	0	0	0	0	0
<b>Total</b>	<b>21</b>	<b>19</b>	<b>13</b>	<b>13</b>	<b>12</b>

\* The School of Graduate Studies oversees the administration of the Code for Graduate Students in consultation with the home division.

**Note:** As laid out in Section B of the *Code of Student Conduct*, behaviour deemed to be offenses under the *Code* may be dealt with as “a failure to meet standards of professional conduct as required by a college, faculty or school” or such behaviour can be assigned to “a divisional disciplinary body”.

TABLE 3 - Cases Involving Interim Measures or Conditions

(July 1 - June 30)

	2014-15	2015-16	2016-17	2017-18	2018-19
<b>Interim Measures</b>	4	2	4	6	3
<b>Interim Conditions</b>	1	3	4	5	2

TABLE 4 – Hearings

*NOTE: Sexual Violence cases which proceed to Hearing do so through the Code of Student Conduct process. Therefore any case heard and concluded under the Sexual Violence & Sexual Harassment Policy will be reported here. There is one such case reflected within these statistics.*

(July 1 - June 30)

	2014-15	2015-16	2016-17	2017-18	2018-19
<b>Hearings</b>	1	0	0	0	1

## HEARING SUMMARY

*Multiple incidents of non-consensual sexual contact, specifically touching and rubbing without consent, constituting Sexual Violence under the Policy on Sexual Violence and Sexual Harassment (the Policy)*

**OFFENSES:** Engaged in acts of Sexual Violence under the *Policy*, Sexual Violence *being* defined as: “Any sexual act or act targeting a person’s sexuality, gender identity or gender expression, whether the act is physical or psychological in nature, that is committed, threatened or attempted against a person without the person’s consent, and includes Sexual Assault, Sexual Harassment, stalking, indecent exposure, voyeurism and sexual exploitation.”

**PRELIMINARY ISSUE:** There was a jurisdictional issue regarding whether a Hearing Officer appointed under the *Code* has jurisdiction to hear a matter where the alleged conduct falls within the definition of the *Policy* but not within the definition of the *Code*. The Hearing Officer ruled that she had jurisdiction to hear the matter under the *Policy*. She further found that the *Code* governs the procedures to be followed at the hearing, and the penalties that can be imposed on a student member of the University, when a matter is referred to a hearing via s. 73 of the *Policy*.

**FINDING PHASE:** The Respondent admitted to non-consensual touching of the Complainant on three different occasions, and was found guilty of such conduct.

**SANCTION:** One-year suspension; a five-year notation on the Respondent’s transcript; a one year period of conduct probation following immediately after the suspension, with the following conditions: no direct or indirect contact with the Complainant; no registration in any class the Complainant is registered in, and the Respondent must immediately drop any classes if it becomes known the Complainant has registered for the class; and, no attendance or staying in any athletic facility on the St. George Campus at the same time as the Complainant, unless there to attend a class in which the Respondent is registered. Further, the parties recommended that the case not be published to protect the identity of the Complainant, and the Hearing Officer agreed.

TABLE 5 – Time between Date of Offense and Case Conclusion

(July 1 – June 30)

Year	Longer than 18 months	Within 18 Months	Within 12 months	Within 6 months
2014-15	0	4	5	12
2015-16	0	2	4	12
2016-17	2	7	1	2
2017-18	2	2	2	7
2018-19	1	3	2	6
<b>Total</b>	<b>5</b>	<b>18</b>	<b>14</b>	<b>39</b>

