



TO: University Affairs Board

SPONSOR: Sandy Welsh, Vice-Provost, Students

CONTACT INFO: Phone (416) 978-3870 / Email vp.students@utoronto.ca

PRESENTER: same as above

CONTACT INFO:

DATE: November 15, 2022 for November 22, 2022

AGENDA ITEM: 5

ITEM IDENTIFICATION:

Annual Report on Cases of Non-Academic Discipline: 2021-22

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 22, 2022)**

PREVIOUS ACTION TAKEN:

The previous report was presented to the University Affairs Board on November 23, 2021.

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* 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 2017¹, 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 2021-2022 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.

DOCUMENTATION PROVIDED:

Summary of Divisional Non-Academic Discipline Cases.

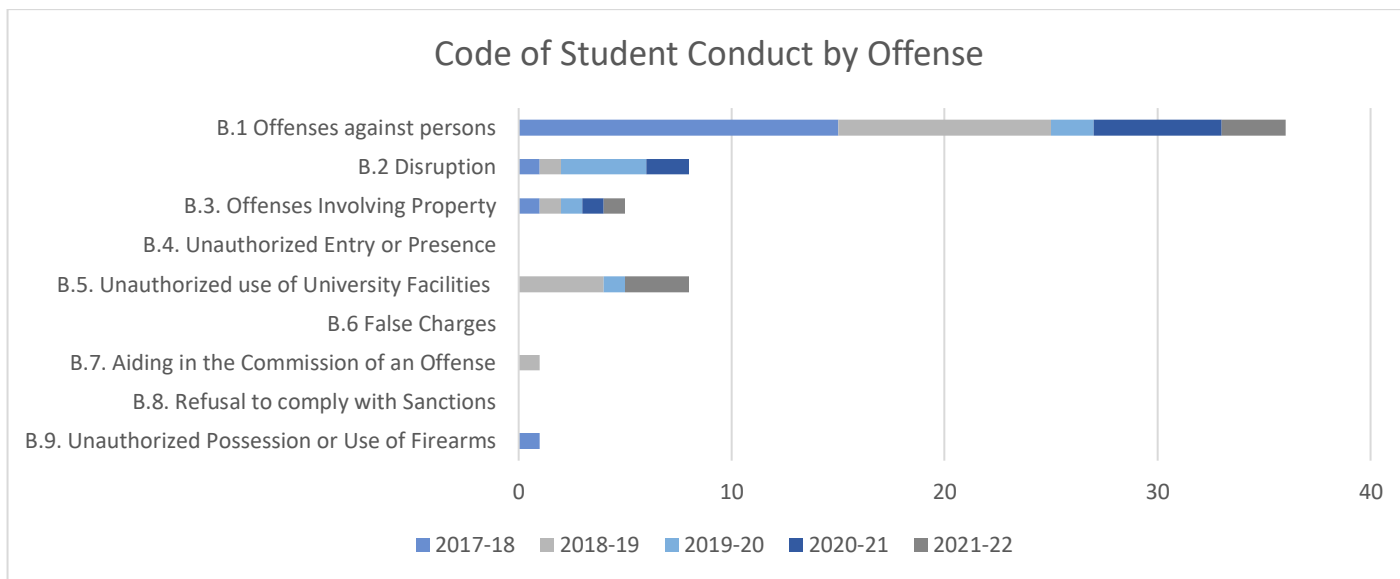
¹ On December 12, 2019, Governing Council approved technical changes to the Code of Student Conduct to align the Code to the *Policy on Sexual Violence and Sexual Harassment*:
https://governingcouncil.utoronto.ca/sites/default/files/agenda-items/20191212_GC_07_1.pdf

Summary of Non-Academic Discipline Cases

The information presented within this report relates to concluded Code of Student Conduct (CSC) cases for the 2017-2018 to 2020-2021 academic years (five years; July 1 – June 30). The data presented within the report is categorized based on the date that the matter concluded. It is important to note that various other CSC cases have been initiated or remain ongoing during the 2022-23 academic year that are not included in the data presented in the body of the report.¹

TABLE 1 – Type of Offenses & Total Cases²

Offense	2017-18	2018-19	2019-20	2020-21	2021-22
B.1 Offenses against persons	15	10	2	6	3
B.2 Disruption	1	1	4	2	0
B.3. Offenses involving property	1	1	1	1	1
B.4. Unauthorized Entry or Presence	0	0	0	0	0
B.5. Unauthorized use of University facilities, equipment, or services	0	4	1	0	3
B.6 False charges	0	0	0	0	0
B.7. Aiding in the Commission of an Offense	0	1	0	0	0
B.8. Refusal to comply with sanctions	0	0	0	0	0
B.9. Unauthorized Possession or Use of Firearms or Ammunition	1	0	0	0	0
Total Offenses (concluded cases) by Year	18	17	8	9	7
Total Cases (concluded) by Year	13	12	7	6	6



¹ As of June 30, 2022, there were 12 cases (6 active; 6 stayed) under investigation or awaiting the decision of the relevant Division Head; three additional active *Code* cases were referred to Hearing during the reporting period (July 1, 2021 – June 30, 2022). One *Code* cases that was referred to hearing during 2020-21 remains active. In total, 16 cases have been active during the reporting period. *Note: these numbers do not include Sexual Violence cases, see Table 4.*

² The numbers presented relate to the number of alleged offenses under the *Code* and do not correlate to the total number of cases. The total number of cases are included for reference. 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 Division³

Division	2017-18	2018-19	2019-20	2020-21	2021-22
Faculty of Arts & Science					
<i>Innis College</i>	0	0	0	0	0
<i>New College</i>	1	0	1	1	0
<i>St. Michael's College</i>	1	0	0	0	0
<i>Trinity College</i>	1	0	0	1	0
<i>University College</i>	1	2	0	0	0
<i>Victoria College</i>	2	0	0	0	0
<i>Woodsworth College</i>	2	1	0	0	0
University of Toronto Mississauga	1	0	4	0	2
University of Toronto Scarborough	1	4	0	0	4
Faculty of Applied Science & Engineering	0	3	0	1	0
John H. Daniels Faculty of Architecture, Landscape & Design	0	0	0	0	0
Faculty of Dentistry	0	1	0	0	0
Faculty of Kinesiology & Physical Education	0	0	0	0	0
Faculty of Law	0	0	0	0	0
Faculty of Medicine	0	0	0	0	0
Faculty of Music	1	0	0	0	0
Lawrence S. Bloomberg Faculty of Nursing	0	0	0	0	0
Leslie Dan Faculty of Pharmacy	0	0	0	0	0
Ontario Institute for Studies in Education	0	0	0	0	0
School of Continuing Studies	0	0	0	0	0
School of Graduate Studies*	2	1	2	3	0
Transitional Year Program	0	0	0	0	0
Total	13	12	7	6	6

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

Note: As described 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

	2017-18	2018-19	2019-20	2020-21	2021-22 ⁴
Interim Measures	6	3	2	2	1
Interim Conditions	5	2	1	2	3

³ Statistics presented in this table reflect individual cases. There may be cases with more than one respondent. In most cases, the respondents are from different divisions or have different offenses associated with their cases and are reflected in the data individually.

⁴ Of the 16 active cases (that did not conclude) during the 2021-22 academic year, 10 involve interim measures and 10 involve conditions. Cases may involve both interim conditions and interim measures.

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.

	2016-17	2017-18	2018-19	2019-20	2020-21 ⁵
Hearings	0	0	1	0	1

HEARING SUMMARY

Single incident of non-consensual sexual contact, specifically sexual intercourse without consent, constituting Sexual Violence under the Policy on Sexual Violence and Sexual Harassment (the Policy).

OFFENSES: Engaged in an act of non-consensual intercourse which was a breach of the *Code of Student Conduct*.

FINDING PHASE: The parties submitted an Agreed Statement of Fact, in which the Respondent admitted to misunderstanding consent and engaging in non-consensual intercourse on one occasion with the complainant, who was his girlfriend at the time. The Respondent admitted that this was a breach of the *Code of Student Conduct*. The Respondent was found guilty of breaching the *Code*.

SANCTION: The parties submitted a Joint Submission on Penalty which was adopted by the Hearing Officer. The Respondent received a written reprimand and a notation was placed on his transcript for one year, and it indicated he was sanctioned for non-academic misconduct. The parties requested, and the Hearing Officer ordered, that the case be reported to the Provost for publication of a notice of the decision and the sanctions imposed, with the Student’s name and the complainant’s name withheld.

TABLE 5 – Time between Date of Offense and Case Conclusion

Year	Longer than 18 months	Within 18 Months	Within 12 months	Within 6 months
2017-18	2	2	2	7
2018-19	1	3	2	6
2019-20	1	1	5	0
2020-21	2	0	3	1
2021-22	1	2	2	1
Total	7	8	14	15

⁵ During the 2021-22 academic year three *Sexual Violence & Sexual Harassment Policy (SVSH Policy)* cases were referred to hearing under the *Code* by the Vice-Provost, Students. One of these cases was resolved by an agreement during the pre-hearing stage and two remain in progress. Three SVSH Policy cases that were referred to hearing in 2020-21 were also resolved by an agreement during the pre-hearing stage in 2021-22. Additionally, as noted on page 1, four cases referred to hearing by a Division Head under the *Code of Student Conduct* remain underway.

