



FOR INFORMATION

PUBLIC

OPEN SESSION

TO: University Affairs Board

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PRESENTER: Same as above
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DATE: November 14, 2024, for November 21, 2024

AGENDA ITEM: 3

ITEM IDENTIFICATION:

Annual Report on Cases of Non-Academic Discipline 2023-24

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 F.5 of the *Code of Student Conduct* 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 21, 2024)**

PREVIOUS ACTION TAKEN:

The previous report was presented to the University Affairs Board on November 21, 2023.

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.

The University's *Policy on Sexual Violence and Sexual Harassment* outlines that 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 the 11 concluded *Code of Student Conduct* cases for the 2023-2024 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 IMPLICATIONS:

There are no financial implications.

RECOMMENDATION:

For Information.

DOCUMENTATION PROVIDED:

Summary of Divisional Non-Academic Discipline Cases 2023-24

Summary of Non-Academic Discipline Cases

The information presented within this report relates to concluded *Code of Student Conduct (the “Code”)* cases for the 2019-2020 to 2023-2024 academic years (five years; July 1–June 30). The data presented in the report is categorized based on the date that the matter concluded.

This report provides information on cases that followed a formal path under the *Code*. It does not include complaints for which an informal resolution was reached prior to the initiation of an investigation. For example, in addition to the 11 cases that concluded post investigation by formal pathways, six additional cases, not represented in this report, concluded pre-investigation by informal resolution with the Division Head in 2023-2024.

It is also important to note that various other *Code* cases have been initiated or remain ongoing during the 2023-2024 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	2019-20	2020-21	2021-22	2022-23	2023-24
B.1 Offenses against persons	2	6	3	4	9
B.2 Disruption	4	2	0	0	2
B.3. Offenses involving property	1	1	1	1	2
B.4. Unauthorized Entry or Presence	0	0	0	1	2
B.5. Unauthorized use of University facilities, equipment, or services	1	0	3	2	2
B.6 False charges	0	0	0	0	0
B.7. Aiding in the Commission of an Offense	0	0	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	0	0	0	1	0
Total Offenses (concluded cases) by Year	8	9	7	9	17
Total Cases (concluded) by Year	7	6	6	6	11

¹ As of June 30, 2024, there were twenty-three cases (10 under investigation; 1 referred to hearing; 12 paused – including 3 at hearing stage; and 3 paused while under a different University Policy) at various stages of the investigation through resolution process. In total, 34 cases, in a formal pathway under the *Code*, have been active/paused/concluded during the reporting period. As noted in the introduction, an additional 6 cases were resolved informally pre-investigation informal resolution. *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.

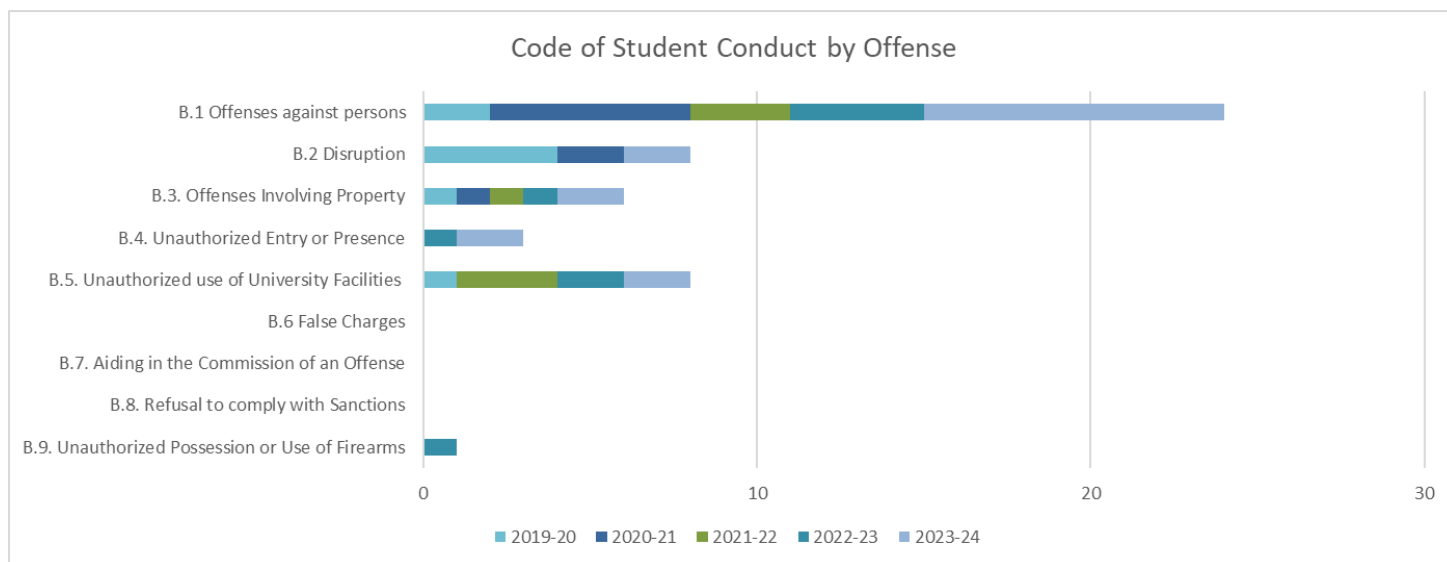


TABLE 2 - Cases by Division³

Division	2019-20	2020-21	2021-22	2022-23	2023-24
Faculty of Arts & Science					
<i>Innis College</i>	0	0	0	1	0
<i>New College</i>	1	1	0	0	1
<i>St. Michael's College</i>	0	0	0	1	0
<i>Trinity College</i>	0	1	0	0	0
<i>University College</i>	0	0	0	0	0
<i>Victoria College</i>	0	0	0	0	0
<i>Woodsworth College</i>	0	0	0	0	1
University of Toronto Mississauga	4	0	2	1	3
University of Toronto Scarborough	0	0	4	1	3
Faculty of Applied Science & Engineering	0	1	0	0	1
John H. Daniels Faculty of Architecture, Landscape & Design	0	0	0	0	0
Faculty of Dentistry	0	0	0	0	0
Faculty of Information	0	0	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	0	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
School of Graduate Studies*	2	3	0	2	2
Transitional Year Program	0	0	0	0	0
Total	7	6	6	6	11

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.

* 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

	2019-20	2020-21	2021-22	2023-23	2023-24 ⁴
Interim Measures	2	2	1	3	2
Interim Conditions	1	2	3	3	8

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.*⁵

	2019-20	2020-21	2021-22	2022-23	2023-4 ⁶
Hearings	0	0	1	0	2

⁴ Of the 23 active/paused cases (that did not conclude) during the 2023-2024 academic year, 15 involve interim measures and 6 involve conditions and 2 have neither. Note: Cases may involve both interim conditions and interim measures, or neither.

⁵ During the 2023-2024 academic year no *Sexual Violence & Sexual Harassment Policy (SVSH Policy)* cases were referred to hearing under the *Code* by the Vice-Provost, Students. Two *SVSH Policy* cases that were referred to hearing in previous academic years concluded (one by hearing officer decision and one by an agreement during the pre-hearing stage) by June 30, 2024. Three *SVSH Policy* cases that were referred to hearing in previous academic years remain active as of June 30, 2024.

⁶No active *Code* cases were referred to Hearing during the reporting period (July 1, 2023 – June 30, 2024). Four *Code* cases that were referred to hearing during previous academic years remain active/paused (not concluded) during the reporting time.

Hearing Summaries

HEARING SUMMARY: Multiple violations of the *Code* that related to breaches of the University's Covid-19 vaccination and masking policies, as well as both causing a disturbance and unauthorized entry to, and remaining on, University premises when instructed otherwise.

OFFENSES: Created a condition that unnecessarily endangered the health or safety of other persons (B1c); obstructed a class (B2); and entered campus and remained, despite being forbidden and instructed not to do so (B4).

FINDING PHASE: The Hearing Officer found the Respondent violated the sections of the Code listed above. Specifically, the Respondent came to campus in person when they had not received an exemption related to vaccination and had therefore been barred from attending campus; they consistently pulled down their mask during class without having a masking exemption; they attended class when not permitted and without wearing a mask, and then caused a disturbance with the Professor about the masking issue, and only left when the Professor said they would end the class.

SANCTION: The Respondent indicated that they would not oppose the sanctions requested by the University, which were as follows: a formal written reprimand; a no-contact order with the Professor of the class, which included a prohibition on naming the Professor, making offensive or disparaging comments in words or images about them, and not referring to the Professor with identifiable descriptors; and finally, an order for reporting of the case with publication of the Respondent's name withheld. The Hearing Officer reluctantly accepted the University's requested sanctions, even though he was inclined to impose harsher ones. When imposing the requested sanctions, the Hearing Officer pointed out the following: the Respondent's defiance, their disregard for others, their lack of a sense of social responsibility, and their lack of remorse, which increased the likelihood of reoffence given the Respondent had repeatedly ignored the rules.

HEARING SUMMARY: Single incident of non-consensual sexual contact.

OFFENCES: Engaged in an act of non-consensual sexual contact which violated the *Code*.

FINDING PHASE: The Respondent did not attend the hearing, but the Hearing Officer determined that the hearing could proceed in their absence for three reasons: first, a party could simply prevent a hearing from occurring if they ignored communications; second, the efforts the University took to contact the Respondent were extraordinary; and third, there was strong evidence that the Respondent had reviewed and accessed emails, including the notice of the hearing itself. The Hearing Officer found the Respondent guilty of the allegation as the Complainant's evidence was credible and uncontested. Specifically, the Respondent did not stop their attempts to perform oral sex in the face of verbal and physical resistance from the Complainant, until the physical resistance reached a level that stopped the Respondent's attempt.

SANCTION: The Respondent received a formal reprimand; an order that there be no contact with the Complainant; an order that they complete training on intimate partner consent before being allowed to enroll in any courses or programs at the University; an order denying access to the University of Toronto campuses for two years; and a notation on the Respondent's academic record and transcript for two years. The Hearing Officer noted the following: the misconduct in question was serious and must be strongly denounced and deterred; the impact on the Complainant was profound; the Respondent had no prior misconduct; and, the Respondent, to some extent, acknowledged the wrongdoing.

APPEAL: The Respondent filed an appeal, which was dismissed by the Discipline Appeals Board. The Board dismissed the appeal for being frivolous because the Respondent did not advance the appeal in any way. Specifically, the Respondent failed to respond to communications, failed to engage with the process, and failed to comply with directions.

TABLE 5 – Time between Date of Offense and Case Conclusion

Year	Longer than 18 months	Within 18 Months	Within 12 months	Within 6 months
2019-20	1	1	5	0
2020-21	2	0	3	1
2021-22	1	2	2	1
2022-23	2	1	0	3
2023-24	3	4	2	2
Total	9	8	12	7

