



FOR INFORMATION

PUBLIC

OPEN SESSION

TO: University Affairs Board

SPONSOR: Professor Sandy Welsh, Vice-Provost, Students

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PRESENTER: same as above

CONTACT INFO:

DATE: November 16, 2021 for November 23, 2021

AGENDA ITEM: 3

ITEM IDENTIFICATION:

Annual Report on Cases of Non-Academic Discipline: 2020-21

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 23, 2021)**

PREVIOUS ACTION TAKEN:

The previous report was presented to the University Affairs Board on November 24, 2020.

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 2020-2021 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.

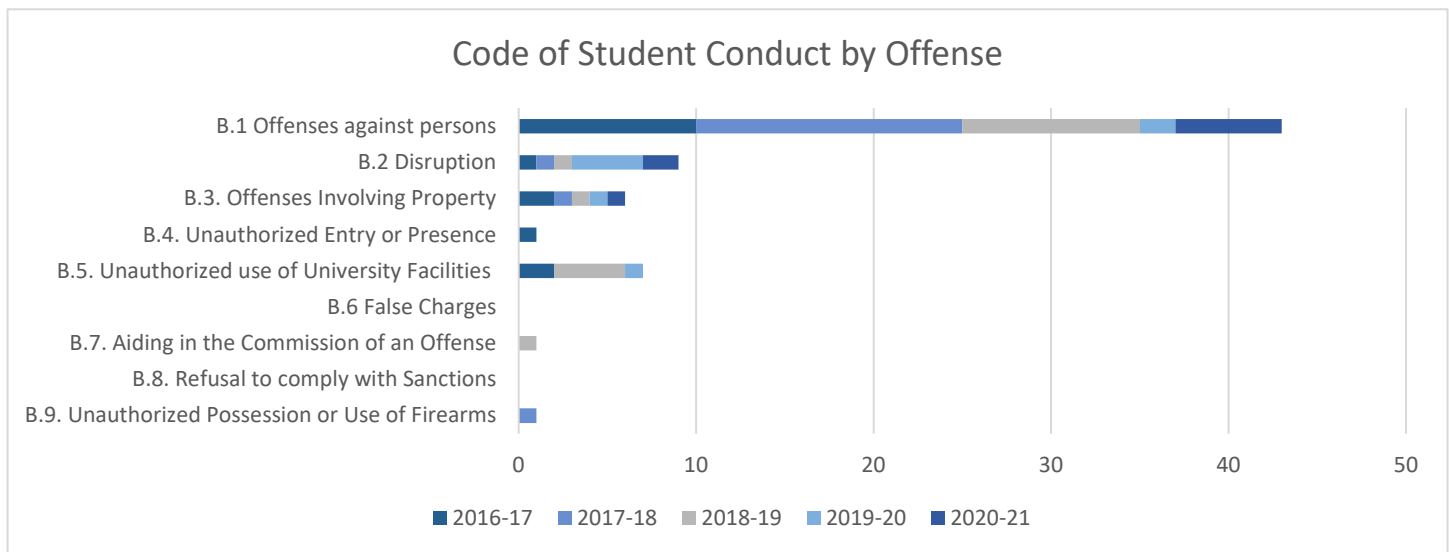
¹ On December 12, 2019, Governing Council approved technical changes to the Code of Student Conduct to align the Code to the *Policy on Sexual Violence and Sexual Harassment*:
https://governingcouncil.utoronto.ca/sites/default/files/agenda-items/20191212_GC_07_1.pdf

Summary of Non-Academic Discipline Cases

The information presented within this report relates to concluded Code of Student Conduct (CSC) cases for the 2016-2017 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 2020-21 academic year that are not included in this data.¹

TABLE 1 – Type of Offenses & Total Cases²

| Offense | 2016-17 | 2017-18 | 2018-19 | 2019-20 | 2020-21 |
|--|-----------|-----------|-----------|----------|----------|
| B.1 Offenses against persons | 10 | 15 | 10 | 2 | 6 |
| B.2 Disruption | 1 | 1 | 1 | 4 | 2 |
| B.3. Offenses involving property | 2 | 1 | 1 | 1 | 1 |
| B.4. Unauthorized Entry or Presence | 1 | 0 | 0 | 0 | 0 |
| B.5. Unauthorized use of University facilities, equipment, or services | 2 | 0 | 4 | 1 | 0 |
| B.6 False charges | 0 | 0 | 0 | 0 | 0 |
| B.7. Aiding in the Commission of an Offense | 0 | 0 | 1 | 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 | 1 | 0 | 0 | 0 |
| Total Offenses by Year | 16 | 18 | 17 | 8 | 9 |
| Total Cases by Year | 12 | 13 | 12 | 7 | 6 |



¹ As of June 30, 2021 for *Code of Student Conduct* cases there were thirteen active cases in the investigation phase through Division Head decision stage of the process; one additional active *Code* case was referred to Hearing during the reporting period (July 1, 2020 – June 30, 2021).

² 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 Division³

| Division | 2016-17 | 2017-18 | 2018-19 | 2019-20 | 2020-21 |
|---|-----------|-----------|-----------|----------|----------|
| Faculty of Arts & Science | | | | | |
| <i>Innis College</i> | 0 | 0 | 0 | 0 | 0 |
| <i>New College</i> | 0 | 1 | 0 | 1 | 1 |
| <i>St. Michael's College</i> | 0 | 1 | 0 | 0 | 0 |
| <i>Trinity College</i> | 2 | 1 | 0 | 0 | 1 |
| <i>University College</i> | 0 | 1 | 2 | 0 | 0 |
| <i>Victoria College</i> | 0 | 2 | 0 | 0 | 0 |
| <i>Woodsworth College</i> | 2 | 2 | 1 | 0 | 0 |
| University of Toronto Mississauga | 1 | 1 | 0 | 4 | 0 |
| University of Toronto Scarborough | 3 | 1 | 4 | 0 | 0 |
| Faculty of Applied Science & Engineering | 2 | 0 | 3 | 0 | 1 |
| John H. Daniels Faculty of Architecture, Landscape & Design | 0 | 0 | 0 | 0 | 0 |
| Faculty of Dentistry | 0 | 0 | 1 | 0 | 0 |
| Faculty of Kinesiology & Physical Education | 1 | 0 | 0 | 0 | 0 |
| Faculty of Law | 0 | 0 | 0 | 0 | 0 |
| Faculty of Medicine | 0 | 0 | 0 | 0 | 0 |
| Faculty of Music | 0 | 1 | 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 | 2 | 1 | 2 | 3 |
| Transitional Year Program | 0 | 0 | 0 | 0 | 0 |
| Total | 13 | 13 | 12 | 7 | 6 |

* 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”.

³ For the purpose of the statistics presented by Division it is important to note that these statistics reflect individual cases. There are several examples of cases with more than one respondent. In most of these cases, the respondents are from different divisions or have different offenses associated with their cases and are reflected in the data individually.

TABLE 3 - Cases Involving Interim Measures or Conditions

| | 2016-17 | 2017-18 | 2018-19 | 2019-20 | 2020-21 |
|---------------------------|---------|---------|---------|---------|---------|
| Interim Measures | 4 | 6 | 3 | 2 | 2 |
| Interim Conditions | 4 | 5 | 2 | 1 | 2 |

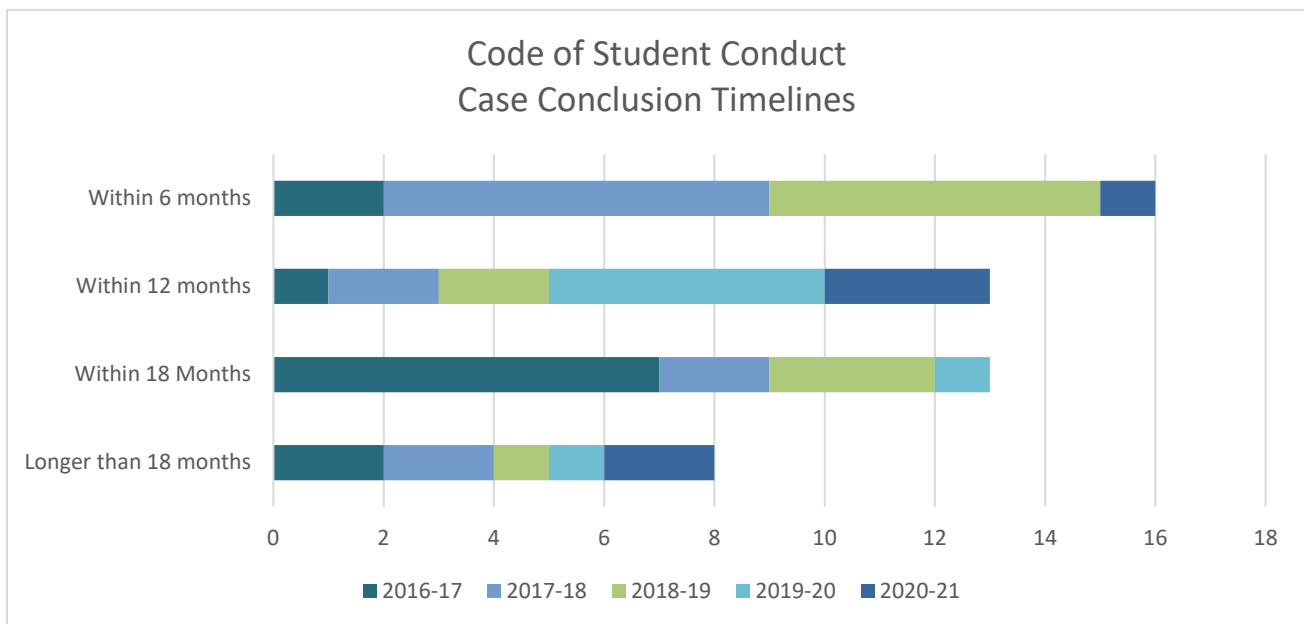
TABLE 4 – Hearings

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.

| | 2016-17 | 2017-18 | 2018-19 | 2019-20 | 2020-21 ⁴ |
|-----------------|---------|---------|---------|---------|----------------------|
| Hearings | 0 | 0 | 1 | 0 | 0 |

TABLE 5 – Time between Date of Offense and Case Conclusion

| Year | Longer than 18 months | Within 18 Months | Within 12 months | Within 6 months |
|----------------|-----------------------|------------------|------------------|-----------------|
| 2016-17 | 2 | 7 | 1 | 2 |
| 2017-18 | 2 | 2 | 2 | 7 |
| 2018-19 | 1 | 3 | 2 | 6 |
| 2019-20 | 1 | 1 | 5 | 0 |
| 2020-21 | 2 | 0 | 3 | 1 |
| Total | 8 | 13 | 13 | 16 |



⁴ During the 2020-21 academic year three *Sexual Violence & Sexual Harassment Policy* cases were referred to hearing under the *Code* by the Vice-Provost, Students. Two of these hearings processes remain underway and one case was resolved by an informal resolution during the pre-hearing stage. Additionally, as noted on page 1, one *Code of Student Conduct* case was referred to hearing by a Divisions Head and that process remain underway.