

CLERK'S STAMP:

COURT FILE NUMBER            1603 07352

COURT                            COURT OF QUEEN'S BENCH OF ALBERTA

JUDICIAL CENTRE            EDMONTON

APPLICANTS                    UALBERTA PRO-LIFE, AMBERLEE NICOL and CAMERON WILSON

RESPONDENTS                THE GOVERNORS OF THE UNIVERSITY OF ALBERTA

DOCUMENT                    **AMENDED CERTIFIED RECORD OF PROCEEDINGS  
(4 February 2016 Decision)**


ADDRESS FOR SERVICE  
AND CONTACT  
INFORMATION OF  
PARTY FILING THIS  
DOCUMENT                    **University of Alberta**  
Student Conduct and Accountability  
1-04 Triffo Hall  
University of Alberta  
Edmonton, AB T6G 2E1  
T: 780.492.077

1. Please find attached:
  - (a) The decision or written record of the act that is the subject of the originating application for judicial review:
    - Decision dated February 4, 2016, **TAB 1**
  - (b) The reasons given for the decision or act:
    - Decision dated February 4, 2016, **TAB 1**
  - (c) The document starting the proceeding:
    - Letter of Appeal from legal counsel dated December 18, 2015, **TAB 2**
  - (d) The evidence and exhibits filed, and
    - Letter of Appeal from Jay Cameron dated December 18, 2015, **TAB 2**
    - Witness Statement submitted by Amberlee Nicol, dated March 3/4, 2015, **TAB 3**
    - Decision dated November 30, 2015, **TAB 4**
    - Incident Report, including videos, **TAB 5**

- (e) Anything else in our possession relevant to the decision or act, namely:
- University of Alberta Code of Student Behaviour, TAB 6
2. The following are parts of the notice to obtain record of proceedings that cannot be fully complied with and the reasons why:
- (a) NIL.
3. I certify that I have attached all records as required by *rule 3.19(1)*.

Name of person who certifies this record: Deborah Eerkes  
Position: Director and Discipline Officer  
Date: May 10, 2017

Signature:



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4 February 2016

**PERSONAL & CONFIDENTIAL**

Amberlee Nicol and Cameron Wilson

**RE: Decision of the Discipline Officer**

Delivered  
electronically via  
Google Docs

Dear Ms. Nicol and Mr. Wilson:

On 11 March 2015, Amberlee Nicol, and Cameron Wilson made a complaint on behalf of the Go-Life student group to University of Alberta Protective Services (UAPS) that an information installation erected by Go-Life on 3 and 4 March 2015 had been disrupted by a group of approximately 100 people, including students, faculty, staff, and people from outside of the university community. In her statement, Ms. Nicol noted that the installation had been approved by the University. She alleged that the group of protestors surrounded the installation shortly after it was erected at 9:00 a.m. and remained until it was taken down, shortly after 4:00 p.m. on both days. In addition, the protestors chanted and sang "intentionally disrupting conversations our volunteers were having with onlookers." They also attempted to "scare people away from volunteers by saying things like "don't talk to her" or "don't take their pamphlets."

Ms. Nicol said that members of the Go-Life group, using social media and photographs and videos taken during the event, identified over 100 people they believed had participated in the protest as well as three people who had acted as organisers. They provided UAPS with photographs, videos, and copies of social media related to the two day event. Ms. Nicol indicated that Go-Life wanted all of the participants in the protest charged under the Code of Student Behaviour (COSB) and to have all of them sanctioned in some fashion.

UAPS did an investigation and eventually decided not to pursue charges under the COSB. Bill Spinks, Director of UAPS, wrote Ms. Nicol on 30 November 2015 that he had made the decision after taking the following into consideration. First, UAPS's jurisdiction under the COSB applies only to University of Alberta students and could not be used to address behaviour by non-University people, faculty, or staff. Second, the COSB expressly states in the introduction that "nothing in this Code shall be construed to prohibit peaceful assemblies and demonstrations ... or to inhibit free speech." Third, the likelihood of the allegations being substantiated through the COSB investigation which he balanced with the fourth consideration, the nature and seriousness of the allegation and the advisability of committing UAPS's single investigator, Lawrence Fraser, to interview one hundred plus protestors/demonstrators for the alleged infractions.

Jay Cameron, a lawyer with the Justice Centre for Constitutional Freedoms, filed an appeal of Director Spinks' decision not to proceed, on behalf of Ms. Nicol and Mr. Wilson, with Student Conduct and Accountability on 18 December 2015 under Section 30.5.2(8) of the COSB. As Discipline Officer, I have reviewed that appeal and other available evidence.

Mr. Cameron raised several concerns in the appeal. He noted that the protestors had been warned by President Samarasekera that interfering with the Go-Life display could constitute a violation of the COSB but proceeded regardless. He argued that UAPS concerns about the evidence they provided were unfounded and that the University should take photographic and video evidence



provided by members of the Go-Life group at face value and therefore that there should not be a need for additional investigation beyond what they provided. He also argued that the fact that those materials were undated was irrelevant and that they clearly were representations of the demonstrations. He felt that the availability of this evidence made the question of stress on UAPS investigative resources because of the number of students involved irrelevant. He argued that focus on students meant there was less work than Director Spinks intimated. Ultimately, he argued, that the behaviour of those potentially charged was serious enough to warrant further investigation if that was required.

Mr. Cameron's letter and attached evidence laid out a full and robust appeal on behalf of Ms. Nicol and Mr. Wilson. In order to assess that appeal appropriately, I requested and reviewed a copy of Director Spinks' 30 November 2016 decision and the UAPS record of their investigation.

In determining the outcome of this appeal the relevant question is, after removing all non-students from the discussion, whether or not it was appropriate for Director Spinks to make the decision not to proceed with charges under the COSB against the accused students. Section 30.5.2(6) of the COSB lays out four reasons the Director of UAPS may chose not to proceed with a complaint. Of these four, given the facts of the case as reviewed, the only relevant section is Section 30.5.2(6) b which refers to circumstances where the Director believes that no University rule has been broken.

As Director Spinks noted, the introduction to the COSB makes it clear that all parties, both the students in the Go-Life group and the protestors, have a right to free speech. Go-Life and the protestors disagreed on both the fundamental arguments being expressed and on the appropriate mechanisms for engaging in that debate. Both parties expressed their opinions. All of the participants were therefore engaging in acts which the COSB specifically permits – demonstrating and/or protesting. Free speech may be pursued aggressively and differences of opinion may be profound, loud, and emotional. Two or more groups who disagree may well compete for listeners' attention and they are free to address both the other party's reasoning and the way that they have presented their information.

Free speech is not a clean process where people will always take turns and treat each other with deference. We have to expect that profound disagreements over controversial topics may be loud and vigorous. It follows that the University should tread lightly in applying disciplinary processes when people are engaging in a conflict of ideas. We respect the rights of all parties to offer information to an audience and then leave it to the audience to choose whether they will access it and how they will be affected by it. So long as they do not harm people or property, disrupt essential University business, or prevent other parties from speaking at all, the parties should be allowed to argue.

The protestors competed with Go-Life for attention but they did not prevent them from speaking. They did make it more difficult for people to see the displays and challenged people not to speak to the Go-Life volunteers but they did not prevent them from doing so, regardless of the rhetoric on both sides. There is evidence in the material supplied to me by Mr. Cameron in the appeal and in the investigation by UAPS that anyone interested in accessing Go-life material and wishing to talk to their volunteers could do so. Ms. Nicol described, in her statement to UAPS, one of the protestors carrying a sign discouraging people from speaking to the Go-Life volunteers and intimated that the protestor was unsuccessful. Ms. Nicol's statement indicates two things. First, it shows that Go-Life volunteers were speaking to people who attended the installation and



second, that protestors were attempting to persuade people not to interact with Go-Life materials, not physically preventing them from doing so. UAPS officers reported escorting at least one person to the displays who expressed concern about crossing the protest, meaning that even those concerned about the protestors had a mechanism to access Go-Life material. The photographs supplied by Mr. Cameron show that enough of the displays were visible so that passersby would know what information Go-Life was offering and could therefore make an informed choice whether to view it in its entirety or not.

My review of the evidence provided to me by Mr. Cameron and UAPS suggests that the decision of Director Spinks not to proceed with COSB charges is reasonable and appropriate given the circumstances. I am therefore denying the appeal and, pursuant to Section 30.5.2(8) a, no further proceedings will be taken respecting this complaint under the COSB.

Respectfully submitted,



Chris Hackett  
Discipline Officer

cc Bill Spinks, Director, UAPS  
Jay Cameron, Justice Centre for Constitutional Freedoms  
Dr. Robin Everall, Interim Vice-Provost & Dean of Students  
Office of General Counsel



# Justice Centre for Constitutional Freedoms

December 18, 2015

VIA EMAIL TO: [studentconduct@ualberta.ca](mailto:studentconduct@ualberta.ca)

Ms. Deborah Eerkes, Director and Discipline Officer  
Office of Student Conduct and Accountability  
1-04 Triffo Hall, University of Alberta  
Edmonton, Alberta T6G 2E1

Dear Ms. Eerkes:

**RE: UAPS File No. 2015-0577**  
*Appeal of the November 30, 2015 Decision of UAPS (the "Appeal")*

We are counsel for Amberlee Nicol and Cameron Wilson, two of the complainants in the above captioned matter. This letter is submitted pursuant to the University of Alberta's *Code of Student Behaviour* (the "COSB") sections 30.5.2(7)(b) and 30.5.2(8) and serves as our clients' appeal of the November 30, 2015 decision of the University of Alberta Protective Services ("UAPS") not to proceed with our clients' Complaint (the "Decision").

## History

On March 3<sup>rd</sup> and 4<sup>th</sup>, 2015, the approved club UAlberta Pro-Life, formerly Go-Life: U of A Campus Pro-Life, (hereinafter "Go-Life"), conducted an event in the main quad at the University of Alberta campus (the "Event"). The Event was pre-authorized and pre-approved by the University of Alberta, and included displaying signs showing the consequences of abortion and seeking to engage passersby in discussion. Amberlee Nicol and Cameron Wilson are members of Go-Life and were involved in the organization and holding of the Event.

Prior to the Event, many individual students at the University expressed their strong opposition and disagreement with Go-Life's message, and actively and publicly planned to prevent it from being heard or seen by anyone at the University. On February 26, 2015, Amberlee Nicol and Cameron Wilson informed UAPS of the specific names and identities of the people who were planning on social media to obstruct and disrupt protest the Event by physically blocking the planned Go-Life display.

On February 27, 2015, University President Dr. Samarasekera released a statement concerning the University's commitment to freedom of expression, its duty to facilitate discussion and debate, its recognition that Go-Life had the same rights and privileges as other student groups, and that any complaints would be investigated by the UAPS according to the University's existing policies and procedures. See attached "Statement regarding student club display on campus".

In light of the growing opposition to the Event, on March 2, 2015, Go-Life's counsel John Carpay, sent a letter on behalf of Go-Life informing the Acting Director of UAPS, the University's President and the University's General Counsel of the planned disruption of the Event. See attached letter of John Carpay to Ms. Berry, dated March 2, 2015.

Ms. Nicol and Mr. Wilson also provided UAPS with screenshots of Facebook posts from seven different students at the University of Alberta evidencing their intention to physically block and disrupt the Event. See attached true copies the Facebook posts about obstructing the Event sent to UAPS before the Event.

Ms. Nicol and Mr. Wilson specifically requested that the University uphold the rule of law on campus and apply the *COSB* fairly and equally to all students. They requested that the University take appropriate disciplinary action against those students inciting the obstruction and disruption – such incitement itself being a violation of sections 30.3.4(1) c and 30.3.6(5) of the *COSB*. They also asked the University to inform and warn these students that their planned actions also violated sections 30.3.4(1) b and 30.3.6(2) a. of the Code. See attached pertinent sections of the *COSB*.

On March 3-4, 2015, the Event was obstructed by a significant number of individuals, a number of whom were the organizing University students (the "Blockade"). The individuals involved in the Blockade surrounded the Go-Life display, standing only a couple of feet from it while holding banners which blocked the Go-Life signs from view. Further, this mob tried to prevent and succeeded in breaking up conversations between passersby and Go-Life members. The mob used a megaphone to drown out discussions, and to lead loud chants. Ms. Nicol and Mr. Wilson and other Go-Life members were intimidated by the aggressive actions of the mob. See attached photos of the Blockade.

Unfortunately, UAPS limited its actions during the Event to oral suggestions to the offending students that they should cease their misconduct violating the *COSB*. No action took place beyond making these ineffective suggestions. UAPS personnel did not remove the mob of people, or any individuals who were obstructing and disrupting the Event. UAPS did not require that the obstructing students who were breaking the *COSB* provide UAPS with their identification, in spite of section 30.3.6(3) of the *COSB* which requires that students provide identification upon request. UAPS did not even photograph the individuals committing this obstruction. Further, UAPS did not warn the violators that they could be, or would be, prosecuted for violating the *COSB* if they failed to cease and desist from their unlawful conduct.

On March 11, 2015, Ms. Nicol and Mr. Wilson filed a formal complaint with UAPS about the obstruction and disruption of the Event. See attached copy of the Complaint. On March 12, 2015, Ms. Nicol and Mr. Wilson provided UAPS with names and Facebook posts identifying over 100 individuals who planned or took part in the mob obstruction of our display, a substantial number of whom were or are students at the University.

It took UAPS eight months to respond to the Complaint, with the Decision being released by UAPS on November 30, 2015.

### Overview of Grounds of Appeal

In the Decision, UAPS purports to have exercised its discretion under the *COSB* not to proceed further with the Complaint.<sup>1</sup> As you may be aware, however, the discretion of UAPS is not without limits, but is subject to legal restrictions on its exercise in accordance with the requirements of procedural fairness and the *COSB* itself. Justice Rand enunciated this principle in *Roncarelli v. Duplessis*, [1959] SCR 121 at p. 140:

In public regulation of this sort there is no such thing as absolute and untrammelled "discretion", that is that action can be taken on any ground or for any reason that can be suggested to the mind of the administrator; no legislative Act can, without express language, be taken to contemplate an unlimited arbitrary power exercisable for any purpose, however capricious or irrelevant, regardless of the nature or purpose of the statute. Fraud and corruption in the Commission may not be mentioned in such statutes but they are always implied as exceptions. "Discretion" necessarily implies good faith in discharging public duty; there is always a perspective within which a statute is intended to operate; and any clear departure from its lines or objects is just as objectionable as fraud or corruption. Could an applicant be refused a permit because he had been born in another province, or because of the colour of his hair? The ordinary language of the legislature cannot be so distorted.

Chief Justice Hinkson, of the B.C. Supreme Court, recently stated in the case of *Trinity Western University v. The Law Society of British Columbia*, 2015 BCSC 232 ("*TWU*"):

The Supreme Court of Canada has long recognized that both the process and the outcome of an administrative decision must conform to the rationale of the statutory regime set up by the legislature. As Mr. Justice Le Dain wrote for the unanimous Court in *Cardinal v. Director of Kent Institution*, [1985] 2 S.C.R. 643 at 653 [*Cardinal*], "there is, as a general common law principle, a duty of procedural fairness lying on every public authority making an administrative decision which is not of a legislative nature and which affects the rights, privileges, or interests of an individual". Le Dain J.'s remarks in *Cardinal* were recently reaffirmed by a unanimous Court in *Mission Institution v. Khela*, 2014 SCC 24 at para. 82 [*Khela*].

Once it has been established that a duty of procedural fairness is owed, the content and extent of that duty is determined through a consideration of the factors set out in *Baker v. Canada (Minister of Citizenship and Immigration)*, [1999] 2 S.C.R. 817 [*Baker*].<sup>2</sup>

Further to the foregoing, it is apparent from a review of the Decision that UAPS improperly exercised its discretion to not proceed with the Complaint as follows:

1. UAPS erred in determining that a valid reason to refuse to proceed with the Complaint was its ignorance of the identity of the individual(s) who had compiled the evidence submitted in support of the Complaint (the "Evidence").

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<sup>1</sup> *Decision*, para 6.

<sup>2</sup> *TWU* at paras 91 and 92.

2. UAPS erred in determining a) that the dates on which the photographs and videos of the Blockade were taken could not be ascertained, and b) that this permitted UAPS to disregard the photographs and video portion of the Evidence.
3. UAPS erred in determining that it effectively lacks the resources to proceed with the Complaint, citing the employment of only one investigator. Considering that the Complainants provided with UAPS with substantial evidence showing the breaches of the *COSB* at the Blockade (effectually doing much of the required "leg work" for UAPS), the fact that UAPS employs only one investigator is not a valid reason to refuse to proceed with the Complaint.
4. UAPS erred in determining that the number of individuals who are the subject of the Complaint is a relevant factor in determining not to proceed with the Complaint.
5. UAPS erred in determining that it would have been obliged to investigate all 100+ subjects of the Complaint when the *COSB* (as stated in the Decision) only applies to students of the University, and the students identified in the Complaint is far fewer, and many of them are specifically identified already.
6. UAPS erred in a) determining that the subject of the Complaint was not "serious" enough to warrant proceeding, ignoring the fact that the Complaint dealt with multiple deliberate, premeditated and coordinated violations of the *COSB* (all of which the University had prior notice of), and that the *COSB* does not establish a scale of which violations of its policies is "serious" and which are "not serious"; and b) creating a new and improper scale by which it determines which violations of the *COSB* are "serious" enough to warrant proceeding on, and which are not "serious" enough.
7. There has been an inordinate and improper delay in the release of the Decision that is itself a breach of procedural fairness. The Complaint was filed on March 11, 2015. The Decision was released on November 30, 2015. No reason was provided for the lengthy delay, nor is a reason otherwise apparent.

### Analysis

As noted above, UAPS' discretion must be exercised in accordance with the principles of procedural fairness and the parameters of the *COSB* as a whole.

#### 1. Identity of the Compilers of the Evidence

The Evidence in support of the Complaint was submitted by the original Complainants, of whom there are three: Amberlee Nicol, Kianna Owen, and Cameron Wilson. A part of the Evidence consists of photographs and videos of the Blockade.

A review of the Complaint shows that the photograph and video evidence was taken by student members of the Go-Life campus club at the University. UAPS does not appear to have inquired of the Complainants as to who had taken the specific videos and photographs of the Blockade.

The identity of members of the various registered campus clubs at the University are catalogued by the University and are accessible by UAPS if it was inclined to interview specific individuals of Go-Life if it believed it would be useful to do so.

However, the fact that UAPS could ascertain the identities of the photographers and videographers who recorded the Blockade is largely or completely immaterial: there is no procedural or evidentiary requirement under the *COSB* which requires that evidence submitted in support of a complaint have a specifically identifiable individual who compiled the evidence. No policy, regulation, or rule was cited in the Decision justifying the disregarding of the Evidence on this basis.

Moreover, UAPS from time to time investigates anonymous complaints without knowledge of the identity of the specific complainant, or the source of evidence submitted in support of a complaint. Presumably, UAPS would investigate an alleged rape based on anonymously-submitted video evidence of a sexual assault, or an act of vandalism based on anonymously-submitted photographs of the vandal perpetrating the offence.

In the instant case, photographs and videos of the Blockade were submitted to UAPS, and subsequently disregarded on the basis that UAPS could not determine who had recorded the evidence. This is not only a breach of procedural fairness and the obligations of UAPS to exercise its discretion in good faith, it is nonsensical from a campus security standpoint.

Moreover, any deficiency in the nature or quality or quantity of evidence is the direct consequence of UAPS choosing not to take photographs or video of the Blockade itself, despite being present. UAPS failed to even request ID from the perpetrators of the Blockade in accordance with s. 30.3.b(3) of the *COSB*.

## 2. Dates of the Photographs and Videos

Similar to the previous ground, UAPS appears to have disregarded the photographic and video evidence of the Blockade on the basis that it could not determine when the Blockade was recorded. There is no validity to this contention by UAPS.

The Complaint is specific as to the dates and times that the Blockade occurred. The Evidence contains the social media planning of the various alleged offenders and blockaders. The University was apprised that the Blockade would occur and issued a warning that the planned Blockade was a violation of the *COSB*. As anticipated, the coordinated Blockade occurred on March 3 and 4, 2015. Lastly, the Complaint outlines what occurred at the Blockade, and provides evidence that the Blockade occurred and identifies the student organizers and perpetrators.

More, several UAPS officers saw the *COSB* violations first-hand while present at the March 3 and 4, 2015 Event. UAPS' feigned ignorance of the Blockade is disingenuous and not at all compelling.

Thus, there is no merit to the contention that UAPS cannot determine when the photographs and the videos of the Blockade were taken. They were obviously taken during the Blockade. UAPS' contention that it cannot determine when the pictures of the Blockade occurred is tantamount to saying that it cannot determine when the Blockade occurred. This is clearly illogical.

### 3. Only One Investigator

UAPS essentially contends that it lacks the resources to pursue the Complaint because it has only one investigator.

The Complaint contains the identities of the students who planned and coordinated the Blockade and the identities of the many of the students who participated in the Blockade. Facebook screen shots, pictures, videos and other evidence were all submitted as part of the Complaint. Even if there is only one investigator, UAPS still had a substantial case presented to it that numerous offences under the *COSB* had occurred, as well as the identities of those students were involved in the commission of the offences.

Consequently, it is difficult to ascertain how the existence of only one investigator is a justification for the exercise of the discretion not to proceed with the Complaint. It is not apparent that a great deal of further investigation of the Complaint was required, as sufficient investigation and accumulation of evidence was largely or completely accomplished by the Complainants.

### 4. Number of Alleged Perpetrators

The Decision contends that the sheer number of perpetrators is a valid reason not to proceed with the Complaint. This reasoning is counterintuitive and illogical. If taken to its logical conclusion it would precipitate a lack of action against prevalent and widespread violations of the *COSB* simply because of the volume of offenders.

Put another way, the large number of perpetrators mitigates towards vigorous security proceedings, as it speaks to a larger problem, and therefore a more substantial need for intervention.

Planning to interrupt and obstruct an approved campus event is an offence under the *COSB*. The public letter of the University President sets out the fact that the University was aware of the planned Blockade and warned the would-be offenders that their conduct would not be tolerated. The Blockade occurred on a substantial scale, and each student participant is guilty of an offence under the *COSB*. Each student was moreover forewarned that their anticipated conduct was an offence. The scale of the Blockade and the substantial disregard of the *COSB* mitigates towards proceeding with the Complaint, not against it. UAPS sets a dangerous precedent by not proceeding, and citing the sheer volume of offenders as a reason for doing so.

UAPS is tasked with maintaining campus security. It is apparent that the exercise of discretion not to proceed with the Complaint (and thus investigate a substantial breach of campus security) on the foregoing basis (ie. volume of offenders) is an abuse of the discretion bestowed on UAPS by the *COSB*.

### 5. Investigating All Offenders Too Onerous

The Decision states that the *COSB* only applies to students of the University and does so to address the fact that the Complaint alleges that University staff and faculty were involved in the Blockade.

Since it is true that the *COSB* only applies to students of the University, it is illogical for the Decision to then cite as a reason for inaction the fact that there are over a hundred offenders to investigate (many of whom were not students).

The *COSB* does not apply to all of the participants of the Blockade – it only applies to students of the University who planned and participated in the Blockade. It is therefore apparent that the only parties who UAPS is required to investigate under the *COSB* are registered University of Alberta students who participated in the Blockade. Of the 100 participants in the Blockade, the Complainants have provided UAPS with the names of seven students who organized and then participated in the Blockade, contrary to the provisions of the *COSB*.

In framing the field of investigation as far larger than it actually is, UAPS appears to be trying to excuse itself from properly applying the policies of the *COSB*. We conclude that this is not a legitimate reason to exercise the discretion not to proceed.

#### 6. Complaint Not Sufficiently Serious

The implication in the Decision is that the Complaint is not sufficiently serious to warrant proceeding further with the Complaint. UAPS appears to be characterizing the mob censorship and Blockading of an approved campus-club event as a “trifle”. This is concerning, as the supposed “trifle” attracted a warning letter from the President of the University addressed to organizers and soon-to-be participants of the Blockade. We contend that a planned Blockade that elicited a stern warning from the President of the University cannot be characterized as a trifle. We submit that the Blockade is a serious infraction of the *COSB*, that it should be investigated and that the UAPS should proceed with the Complaint in accordance with its mandate.

Moreover, there is no direction in the *COSB* as to what offences under the *COSB* are “serious” offences and which are “trivial”. UAPS seems to have established a new and heretofore unknown scale to determine which offences under the *COSB* are “serious”. These new criterion that have been invented by UAPS were not expounded on or clarified in the Decision. The existence of such a scale was not apparent to the Complainants, nor is it reflected in the Decision. We conclude that the new unknown “scale” is an arbitrary and improper construction of the UAPS that was created for the purposes of excusing its improper exercise of its discretion.

#### 7. Unacceptable Delay of the Decision

As stated, UAPS had an obligation to act in good faith when dealing with the Complaint, which includes responding in a timely manner. It is not apparent why it took UAPS eight months to decide that it was going to do nothing in regards to the Complaint. The reasons provided in the Decision are cursory and ill-conceived, and no explanation for the lengthy delay is provided. Consequently, it cannot be said that UAPS fulfilled its obligation to deal with the Complaint in a timely fashion.



Appeal of the November 30, 2015 Decision of UAPS  
December 18, 2015  
Page 8 of 8

Conclusion

We conclude that the extent to which UAPS has gone to find a reason to be in dereliction of its duties in regard to the Complaint is cause for concern. We request that you overturn the Decision and initiate the appropriate investigations and disciplinary proceedings.

We also request the expeditious processing of this Appeal, if possible, as an inordinate and inappropriate delay has already occurred in the processing of the Complaint by UAPS.

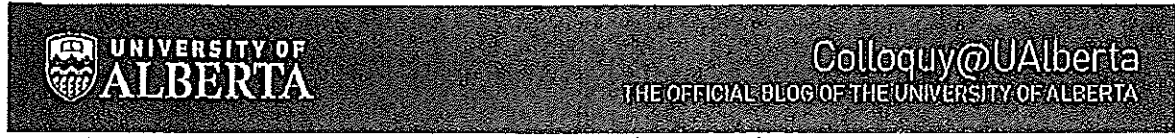
Yours truly,



For: Jay Cameron  
Solicitor for the Complainants, Amberlee Nicol and Cameron Wilson

Enclosures

cc: Dr. David Turpin, President of the University of Alberta  
Mr. Bill Spinks, Director of UAPS



Friday, February 27, 2015

### Statement regarding student club display on campus

The university is aware of concerns regarding a display scheduled to be set up in Quad on March 3rd and 4th by the student group Go-Life, and takes these concerns seriously.

The University of Alberta will always start from a position that supports a right to freedom of expression. It is our duty to foster and facilitate discussion and debate in an environment that is a safe space for all students.

It is clear that there are passionate viewpoints on either side of the abortion debate. As Canadians, we are fortunate to live in a society that values democracy and protects our freedom of expression. As a place of higher learning, the university supports freedom of expression, including academic freedom, and we encourage our community to partake in a true exchange of ideas, and to do so in a respectful and civil manner.

Go-Life is a registered student group on campus and, as such, has the same rights and privileges as other student groups. That includes access to the same spaces as any other student group. They have followed university policies and procedures in preparation for their display on campus next week, and in placing posters about the event. Both University of Alberta Protective Services and the Office of the Dean of Students have been working with the group in advance of their event to ensure they follow procedures and expectations with regard to conduct.

A safe and respectful campus community is always a high priority. The university does not condone activity that violates the Student Group Procedures or the Code of Student Behaviour. Any complaints will be investigated by UAPS, according to our existing policies and procedures.

Indra  
Indra V. Samarasekera  
President and Vice-Chancellor

Update: For further information regarding the Go Life display, please click here.

at 9:28 PM Recommend this on Google  
Labels: Code of Student Behaviour, Dean of Students, Protective Services, statement, student display on campus, student group, Student Group Procedure

### 8 comments:

Anonymous February 27, 2015 at 9:48 PM  
Principled stand. Abortion is a very difficult subject to tackle, and I'm proud to be a student at a university that is committed to having the difficult discussions and allowing people to ask the tough questions.  
Reply

Replies

Anonymous March 4, 2015 at 10:14 AM  
"Difficult discussion"? Do you even know what is happening at the university? This was a graphic display meant to impact people, not the grounds for a discussion.  
Reply

Search This Blog

About this blog  
This blog is published by the University of Alberta to provide an official forum for information sharing, discussion and debate about current topics relevant to the university. The president, vice-presidents, their designates and Colloquy staff will post entries as often as possible to share news and address issues, rumours, questions and decisions. Comments and questions will be moderated by Colloquy staff. Questions will be answered as soon as possible. To suggest a topic of discussion, please use the Contact Us link.

- Latest Comments
- thanks - 8/25/2015 - Arif Hossain
  - Awesome appointment. Richard is progressive, open,... - 7/24/2015 - Anonymous
  - IMO the resignation letter was self-congratulatory... - 7/22/2015 - Anonymous
  - Good. How maybe negotiations with AASUA more move ... - 7/21/2015 - Anonymous
  - Good luck and welcome to Alberta! Tom Lynch Calga... *THIS IS EXHIBIT "D"*

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Sworn before me this *11* day of *Sept* A.D. 20 *15*

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Justice Centre  
for Constitutional Freedoms

March 2, 2015

Grace Berry  
Acting Director  
University of Alberta Protective Services  
11390-87 Avenue  
Edmonton, Alberta, T6G 2R5

THIS IS EXHIBIT " E "  
referred to in the Affidavit of  
Amberlee Nicol  
Sworn before me this 11  
day of Sept A.D. 20 15  
[Signature]  
A Commissioner in and for the Province of Alberta  
Student-at-Law

Dear Ms. Berry,

Re: Planned contraventions of the Code of Student Behaviour

I write on behalf of Go-Life, a University of Alberta campus club which will set up an informational display on campus on March 3 and 4, 2015, in Quad from 9:00 a.m. to 4:00 p.m.

I will state at the outset that Go-Life welcomes respectful debate on campus, and has no desire to limit or restrict the peaceful expression of opinions that oppose Go-Life's message. Go-Life fully and unequivocally supports the legal right of all persons to express their views in a peaceful manner on campus.

Go-Life appreciates, and agrees with, Dr. Samarasekera's February 27<sup>th</sup>, 2015 statement expressing the University of Alberta's commitment to the peaceful expression of opinions on campus, and the need to adhere to the *Code of Student Behaviour* (hereafter "Code").

I write to draw your attention to recent violations of the *Code* by ten individuals who have, in their Facebook posts, disclosed their intentions to physically block Go-Life's display, with the goal of preventing other students from viewing it.

Claire Edwards wrote on February 24 that "[i]t would be awesome to hold a banner in front of them to block the view." Sally Scott wrote about getting a group together "to block the anti-choice groups" by "standing in front of their displays". Brenda Kerber speaks of organizing some people to "stand in front of them" and adds that she "could let a lot of people know" about doing what she acknowledges might be "illegal or disruptive". These and similar comments have been posted by:

- Claire Edwards
- Sally Scott
- Brenda Kerber
- Melissa Ross
- Kim Alawick

- Sarah Robryna
- Maddy Hubbers
- Stephanie Michelle
- Raine Northumberland
- Adam Woods

These 10 Facebook posts have been sent to UAPS by Go-Life.

The physical obstruction and blocking proposed by these ten individuals is contrary to the *Code*, of which the relevant sections state:

30.3.4 Inappropriate Behaviour towards Individuals or Groups  
30.3.4(1) Disruption

**30.3.4(1) b No Student shall, by action, words, written material, or by any means whatsoever, obstruct University Activities or University-related Functions.**

**30.2.35 University Activities.** “University Activities” include but are not limited to, teaching, research, studying, administration, meetings, and public service.

**30.2.38 University-related Functions.** “University-related Functions” include, but are not limited to activities occurring in the course of work or study assignments inside or outside the University; at work or study-related conferences or training sessions; during work or study-related travel; during events such as public lectures, performances, social or sports activities; or over the telephone or computer.

The proposed actions of these ten individuals contravene these sections of the *Code*, which expressly prohibit obstruction and disruption of events on campus.

Further, Section 430 of the *Criminal Code of Canada* expressly prohibits obstructing, interrupting or interfering with the lawful use, enjoyment or operation of property. The display that Go-Life will set up next week is the property of Go-Life. The lawful use and operation of that property consists of making it available for viewing by people on campus. The physical blocking of Go-Life’s display, with the express goal of preventing people from viewing it, constitutes obstructing, interrupting and interfering with the lawful use of Go-Life’s property.

In relation to section 430 of the *Criminal Code of Canada*, section 30.3.6(2) of the *Code (of Student Behaviour)* states:

No Student shall engage in conduct that violates any municipal by-law, Provincial or Federal statute or regulation, or University regulation (Rules External to the Code). Conduct that breaches Rules External to the Code shall be deemed to be an offence under this Code and shall be subject to the disciplinary and appeal processes set out in this Code, if the conduct has a real and substantial link to the University, University Activities, the University Community, or University-related Functions, whether or not the conduct occurred on or in relation to University property.

Apart from whether these ten individuals actually attempt to carry out their intentions to violate the *Criminal Code* and the *Code of Student Behaviour*, these individuals through their Facebook postings have already contravened the following sections of the *Code of Student Behaviour*:

30.3.4(1) c No Student shall use words that incite others to behaviour that is inappropriate to members of the University Community, whether or not in connection with a demonstration, rally or picketing.

30.3.6(5) No Student shall counsel or encourage or knowingly aid or assist, directly or indirectly, another person in the commission of any offence under this Code.

All students at the University of Alberta have a right to feel safe and secure on campus, regardless of the beliefs or opinions those students may adhere to. The violation of the *Criminal Code* and the *Code of Student Behaviour*, whether for political or ideological reasons or for any other reason, should not be condoned by Protective Services. Nor should the violations of sections 30.3.4(1) c and 30.3.6(5) of the *Code*, which have already occurred, be condoned by Protective Services.

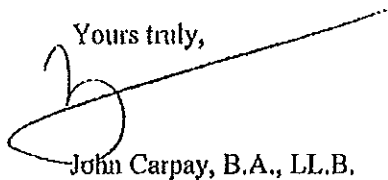
We write to request that Protective Services uphold the rule of law on campus, and apply the *Code of Student Behaviour* fairly and equally to all students, regardless of their ideological or philosophical motivation for proposing and planning misconduct.

Specifically, we write to request that Protective Services take appropriate disciplinary action in respect of the violations of sections 30.3.4(1) c and 30.3.6(5) of the *Code*, which have already occurred.

Further, we request that Protective Services inform these ten individuals that their proposed actions violate section 30.2.3(1) b of the *Code*, and section 30.3.6(2) of the *Code* in relation to criminal behaviour that violates section 430 of the *Criminal Code of Canada*.

I look forward to your response.

Yours truly,



John Carpay, B.A., LL.B.  
President  
Justice Centre for Constitutional Freedoms

cc. Go-Life  
Mr. Brad Hamdon, General Counsel, University of Alberta  
Dr. Indira Samarasekera, President, University of Alberta



Claire Edwards Hey guys sorry I've been MIA on this. This is gross to hear. Digging the idea of trigger warning signs or posters. Also would love to organize some kind of counter demonstration. It would be awesome to hold a banner in front of them to block the view.

February 24 at 11:38pm · Like

THIS IS EXHIBIT " F "

referred to in the Affidavit of

Amberlee Nicol

Sworn before me this 11

day of Sept. A.D. 2015

[Signature]

A Commissioner In and for the Province of Alberta

Student-at-Law



Adam Woods The idea of a physical barrier is gold. While they may certainly have the legal rights to host the event, we most certainly have the legal rights to obstruct it from view.

4 hrs · Like ·  14



Sarah Rebryna I was alerted to this yesterday by the president of OUTreach. I have sent an email to the Dean of Students, I really, really, REALLY want to be involved in some sort of counter-demonstration. I was thinking of creating a human "wall" of people holding tall signs with LGBTQ colours or other messaging to block the genocide display so that the Pride Parade can stick to their planned route. If others have more suggestions let's please have them!

4 hrs · Unlike · 10






Kim Alawlok As in the other thread about this, umbrellas as visual shields are being proposed. Umbrellas and flags would be great! (I can probably find some rainbow flags at work...)

4 hrs · Like · 176




**Maddy Hubbers** People who have the time and ability should try and organize a physical barrier to stop other students from having to see this. Sheets taped to hockey sticks and large pieces of cardboard will work. They don't have to be fancy, but you'll be able to stop others from having to look at the images,

4 hrs · Like ·  13



Malissa Rose Where can we find a giant rainbow flag to shield the parade from the display?

4 hrs · Like ·  3



Reino Northumberland | can bring a couple of umbrellas (depending on time)

4 hrs · Like ·  1

THIS IS EXHIBIT " 6 " referred to in the Affidavit of Amberlee Nicol Sworn before me this 16 Sept. A.D. 20 15  
A Commissioner in and for the Province of Alberta

identified after the Registration Deadline will be administered under the Code of Student Behaviour. (EXEC 04 MAY 2009)

The Appeals Coordinator, Dean of Students, Student OmbudService and Student Legal Services are available on-campus to provide assistance to Students about the discipline process. Student-at-Law

**30.1.1 Rights under the Code of Student Behaviour**

- 30.1.1(1) Any Student who has been accused of having committed an offence under this Code has the right
  - 30.1.1(1) a to choose whether or not to provide evidence and/or to be a witness in the case against himself or herself;
  - 30.1.1(1) b to be presumed not to have committed an offence until his or her commission of an offence has been established on the balance of probabilities, before an impartial and unbiased decision-maker;
  - 30.1.1(1) c to have his or her case adjudicated within a reasonable time;
  - 30.1.1(1) d to consult with an Advisor, to be accompanied and assisted at any investigative meeting with a Dean or Discipline Officer or UAB hearing by an Advisor, and to be advised of these rights;
  - 30.1.1(1) e to reasonable disclosure of the case of the person making the allegation against the Student within a reasonable time before the hearing of any appeal before the UAB;
  - 30.1.1(1) f to reasonable notice of the time, place, and nature of any investigative meeting or hearing;
  - 30.1.1(1) g to be given a reasonable opportunity to respond to any allegations before being found to have committed an offence under the Code;
  - 30.1.1(1) h in any appeal before the UAB, to present evidence, to call his or her own witnesses and to question any other witnesses called;
  - 30.1.1(1) i to be advised of the reasons for any decision made under this Code;
- 30.1.1(2) Any person who claims to have been physically injured, discriminated against or harassed, or who claims to have property damaged or stolen by a Student accused of an offence under this Code, whether or not that person is a Complainant, has the right;
  - 30.1.1(2) a to be consulted before any informal resolution of any relevant charges against the Student is proposed to the Student;
  - 30.1.1(2) b to provide evidence of any injury or damage for which Restitution may be an appropriate remedy and to have that evidence communicated to the appropriate decision-maker under this Code;
  - 30.1.1(2) c to be informed of the time, date and place of any hearing respecting any relevant charges and to be consulted by the Dean or Director as to whether the person should be a witness at that hearing; and

- 30.2.32 **Transcript.** A Student's official academic record issued by the Office of the Registrar and bearing the signature of the Registrar. Information for the Transcript is drawn from the Central Academic Record. Information included on the University of Alberta transcript is found in the University of Alberta Calendar, Section 23.9.2. (CLRC 24 MAY 2012)
- 30.2.33 **UAB.** University Appeal Board.
- 30.2.34 **Unit Director.** The director or delegate of specific University services or resources including but not limited to Ancillary Services, Academic Information and Communication Technologies, University Libraries, University Recreational Facilities, and the University Bookstore. (CLRC 03 MAR 2005)
- 30.2.35 **University Activities.** "University Activities" include but are not limited to, teaching, research, studying, administration, meetings, and public service.
- 30.2.36 **University Community.** "University Community" includes those who are employed by the University, who are officially associated with the University, and those who are Students, former Students, or alumni of the University.
- 30.2.37 **University Officials.** "University Officials" are those individuals who in the ordinary course of their duties have the authority to limit access to University Facilities and/or property and include but are not limited to Deans, Department Chairs, Unit Directors, Discipline and Deputy Discipline Officers, Instructors, members of University of Alberta Protective Services, Ancillary Services staff, and Building Services staff. (CLRC 03 MAR 2005)
- 30.2.38 **University-related Functions.** "University-related Functions" include, but are not limited to activities occurring in the course of work or study assignments inside or outside the University; at work or study-related conferences or training sessions; during work or study-related travel; during events such as public lectures, performances, social or sports activities; or over the telephone or computer.
- 30.2.39 **University Supplies and Documents.** "University Supplies and Documents" include but are not limited to equipment, keys, records, insignias, stationery, forms and permits.
- 30.2.40 **Working Day or Business Day.** "Working Day" or "Business Day" is defined as a day on which University administrative offices are open. For the purposes of these regulations, the day preceding the Christmas holiday period shall not be considered a Working Day for appeal deadlines. (CLRC 24 MAY 2012)
- 30.3 **Offences under the Code**
- 30.3.1 **Application**
- 30.3.1(1) This Code applies to all conduct by a Student or by Students, by any means whatsoever, (including but not limited to internet forums, electronic communications or other media) that has a real and substantial link to the

### 30.3.4 Inappropriate Behaviour towards Individuals or Groups

#### 30.3.4(1) Disruption

- 30.3.4(1) a No Student shall disrupt a Class in such a way that interferes with the normal process of the session or the learning of other Students.
- 30.3.4(1) b No Student shall, by action, words, written material, or by any means whatsoever, obstruct University Activities or University-related Functions.
- 30.3.4(1) c No Student shall use words that incite others to behaviour that is inappropriate to members of the University Community, whether or not in connection with a demonstration, rally or picketing.

#### 30.3.4(2) Discrimination

- 30.3.4(2) a No Student shall discriminate against any person or group of persons while participating in University Activities or University-related Functions. Discrimination is defined in the Discrimination, Harassment and Duty to Accommodate Policy in UAPPOL. (CLRC 25 APR 2013)
- <https://policiesonline.ualberta.ca/PoliciesProcedures/Policies/Discrimination-Harassment-and-Duty-to-Accommodate-Policy.pdf>

#### 30.3.4(3) Dissemination of Malicious Material

No Student shall disseminate or cause to be disseminated malicious or defamatory material or engage in activity which creates a social or academic climate that hinders or prevents the full participation of another person or group in the life of the University.

#### 30.3.4(4) Retaliation

No Student shall retaliate against any Complainant who has reported the Student for an offence under the Code or against any other person who has provided information served as a witness or acted in an official capacity in the discipline process. (EXEC 7 JAN 2008)

#### 30.3.4(5) Unfounded Allegations

No Student shall make any complaint against any other member of the University Community or cause any steps to be taken concerning any other member of the University Community unless the Student believes, on reasonable grounds, that the other member of the University Community has committed an offence under this Code or engaged in conduct warranting a complaint.

#### 30.3.4(6) Violations of Safety or Dignity

- 30.3.4(6) a No Student shall have sexual or physical contact with another person without that person's consent.
- 30.3.4(6) b No Student shall physically abuse another person, threaten any other person with physical abuse or cause any other person to fear physical abuse.

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- 30.3.4(6) c No Student shall create a condition which endangers or potentially endangers or threatens the health, safety or well being of other persons.
- 30.3.4(6) d No Student shall harass another person. Harassment is defined in the Discrimination, Harassment and Duty to Accommodate Policy in UAPPOL, and includes Harassment, Bullying, Sexual Harassment and Racial Harassment. (CLRC 25 APR 2013)
- <https://policiesonline.ualberta.ca/PoliciesProcedures/Policies/Discrimination-Harassment-and-Duty-to-Accommodate-Policy.pdf>
- 30.3.4(6) e No Student shall use words which threaten violence or physical abuse to any group or individual whether or not the group or individual thus threatened knows of such threatening words and whether or not the words are employed in connection with a demonstration, rally or picketing.
- 30.3.4(7) Hazing
- 30.3.4(7) a No Student shall organize, participate or engage in the hazing of another person, regardless of whether the individual who is the subject of the hazing has consented to participate in or be subjected to the activities in question, or whether the activities in question constitute a ritual or tradition of an organization. (EXEC 02 APR 2012)
- 30.3.4(7) b “Hazing” means the creation of an environment or any intentional, reckless or negligent act, by a Student, that occurs on or off University property, that
- i. endangers the physical health, mental health or safety of another person; or
  - ii. produces physical or mental discomfort, embarrassment, humiliation, harassment, or ridicule; or
  - iii. results in the destruction, damage or removal of any public or private property; or
  - iv. causes, induces, pressures, coerces, or requires another person to violate any federal, provincial, municipal or University regulations;
- for purposes that include, but are not limited to, initial or continued admission, affiliation or initiation with any Student Group, athletic team, or any formal or informal organization in the University Community. Examples of hazing include, but are not limited to: any brutality of a physical nature, such as whipping, beating, branding, paddling, or electric shocks, exercise not legitimately related to a sport, forced consumption of alcohol or other substances, inappropriate exposure to the elements, compulsory nudity or immodest dress, transportation and abandonment, threats or implied threats, verbal abuse, physical or psychological abuse, sleep deprivation, physical confinement, coerced hazing of another, compulsory servitude, degrading activities, sexual simulation, sexual assault, or theft or misuse of others' property. (EXEC 02 APR 2012)

- 30.3.6(1) c No Student shall violate Alberta Gaming and Liquor Board regulations regarding the use of alcohol on campus. These regulations must be posted at any function serving alcohol on campus.
- 30.3.6(2) **Breach of Rules External to the Code**
- 30.3.6(2) a No Student shall engage in conduct that violates any municipal by-law, Provincial or Federal statute or regulation, or University regulation (Rules External to the Code). Conduct that breaches Rules External to the Code shall be deemed to be an offence under this Code and shall be subject to the disciplinary and appeal processes set out in this Code, if the conduct has a real and substantial link to the University, University Activities, the University Community, or University-related Functions, whether or not the conduct occurred on or in relation to University property.
- 30.3.6(2) b The determination of whether any conduct has such a real and substantial link may be made by any person or body authorized to make decisions in the disciplinary and appeal processes set out in this Code, and this determination may be appealed as part of an appeal provided for by this Code.
- 30.3.6(2) c The determination of whether a Student has breached Rules External to the Code may be made by any decision-maker under this Code, and this determination may be appealed as part of an appeal provided for by this Code.
- 30.3.6(2) d The determination referred to in 30.3.6(2) c shall be made in accordance with the rules of evidence and the burdens of proof specified in this Code. If, however, a person, court, tribunal, or other decision-making body with jurisdiction over an alleged Breach of Rules External to the Code has ruled that the Student did or did not commit a violation,
- 30.3.6(2) d. i evidence of that ruling, in any form satisfactory to the decision-maker, may be introduced as evidence that the Student did or did not (as the case may be) commit an offence for the purposes of this Code; and
- 30.3.6(2) d. ii the decision-maker shall accord such weight to the evidence of the ruling as the decision-maker considers appropriate in the circumstances.
- 30.3.6(2) e A Student who has been found to have committed an offence may receive a sanction under both the Code and Rules External to the Code.
- 30.3.6(3) **Identification**  
No Student shall refuse to provide identification upon request by a University Official or employee acting in the course of that person's duties, provided the University Official or employee has reason to believe the Student is committing, has committed or is about to commit an offence.
- 30.3.6(4) **Misrepresentation of Facts**  
No Student shall misrepresent pertinent facts to any member of the University community for the purpose of obtaining academic or other advantage. This includes such acts as the failure to provide pertinent information on an application for

admission or the altering of an educational document/transcript. (EXEC 04 MAY 2009)

**30.3.6(5) Participation in an Offence**

No Student shall counsel or encourage or knowingly aid or assist, directly or indirectly, another person in the commission of any offence under this Code.

**30.3.6(6) Smoking**

No Student shall smoke at any time in any area of the University where smoking is banned. (CLRC 25 APR 2013)

**30.3.6(7) Bribery**

No Student shall offer or provide a monetary or other benefit to any member of the University for the purpose of gaining academic or other advantage. (GFC 24 SEP 2007)

**30.4 Sanctions and their Impact**

**30.4.1 General Provisions**

Different members of the University have the authority to decide that a Student has breached the Code and to set a sanction. Unit Directors may impose Minor Sanctions for specific breaches that occur within their unit and may recommend that the Discipline Officer impose Intermediate or Severe Sanctions. The Director of UAPS may recommend that the Discipline Officer impose Minor, Intermediate or Severe Sanctions. Deans have the authority to set Minor or Intermediate Sanctions and may recommend that the Discipline Officer impose Severe Sanctions. The Discipline Officer and the UAB have the authority to set Minor, Intermediate, or Severe Sanctions.

30.4.1(1) In determining both the length and/or the effective date of a sanction, a decision-maker imposing the sanction shall take into account the impact of the sanction on the Student's academic program and record.

30.4.1(2) Any sanction shall take effect on the date of the decision unless it is noted in the decision that the sanction shall take effect at another time. Any change to a sanction as a result of an appeal (the removal of, increase in or addition to a sanction) shall take effect according to specified instructions in the written appeal decision. (CLRC 24 MAY 2012)

30.4.1(3) The Office of the Registrar shall note Encumbrances, grade changes (including notations of NC) Suspensions, Expulsions, or Suspensions or Rescissions of Degrees on a Student's Transcript. Encumbrances, Exclusions and Suspensions of Essential and Non-Essential Services will be noted as a Negative Service Indicator in the Student's Central Academic Record. For tracking purposes, any sanction noted on the Transcript will also be noted as a Negative Service Indicator in the Student's Central Academic Record. (CLRC 24 MAY 2012) (GFC 03 FEB 2014)

- 30.4.2(8)b Permanent refusal to consider applications for admission to the University of Alberta.

Where a sanction of permanent refusal to consider applications has been imposed, the Student shall not be considered for admission without the approval in writing of the Provost and Vice-President (Academic) in consultation with the Registrar. Such approval shall not be given before the expiry of five years.

- 30.4.2(8)c The sanctions related to refusal to consider applications for admission to the University of Alberta may only be imposed for application-related offences.

30.4.2(9) Rescission of Admission Offer

- 30.4.2(9)a Rescission of any current offer of admission received by the Applicant, whether conditional or final, and cancellation of any registration.

- 30.4.2(9)b This sanction may only be imposed for application-related offences.

30.4.10 Rescission of a Degree

- 30.4.2(10) a "Rescission of a Degree" means that the original award of a Degree will be perpetually deleted from the Student's Central Academic Record. The Student's Transcript will indicate that the Degree has been rescinded. (CLRC 24 MAY 2012)

- 30.4.2(10) b The Discipline Officer may recommend to the Provost and Vice-President (Academic) that the University publish notification of the Rescission of the Degree. In the case of a professional Degree, this would include notification to the appropriate professional body. The Vice-President's decision to act on this recommendation shall be deferred until an appeal is heard and decided.

30.4.2(11) Reprimand

- 30.4.2(11) a A "Reprimand" is a notation of concern about the conduct of a Student.

- 30.4.2(11) b The Reprimand is noted in the Discipline File held by the Faculty in which a Student is registered and by the Faculty that charged the Student. (CLRC 24 MAY 2012) (GFC 03 FEB 2014)

30.4.2(12) Restitution

- 30.4.2(12) a "Restitution" is an order that a Student pays money

- 30.4.2(12) a.i to one or more of another individual, a corporation, an unincorporated association or other unincorporated group, or the University, as Restitution for damage to or the loss or destruction of any property as the result of the commission of an offence by the Student. The amount of Restitution shall not exceed the replacement cost of the property as of the date that the order is imposed, less the value of any part of the property that has been returned; and/or

- 30.4.2(12) a.ii to an individual who has suffered bodily harm as a result of the commission of an offence by the Student, as Restitution for all expenses or loss of income suffered as a result of the offence. Restitution is not payable as compensation for pain and suffering.
- 30.4.2(12) b Restitution shall not be ordered unless evidence has been adduced that supports the calculation of the cost of the damage or injury caused by the commission of the Offence by the Student.
- 30.4.2(12) c The Student's Central Academic Record is Encumbered until the amount is paid in full. (CLRC 24 MAY 2012) (GFC 03 FEB 2014)
- 30.4.2(12) d The Dean or Discipline Officer who imposed the sanction shall make the determination of when the amount owing in Restitution has been paid in full.
- 30.4.2(13) Suspension**
- 30.4.2(13) a "Suspension" requires a Student to withdraw completely from the University, his/her program in the University, and from all University Activities for a specified period of time, to a maximum of three years.
- 30.4.2(13) b Suspension shall be noted on the Student's Central Academic Record, on the Student's Transcript, and in the Student's Academic File held by the faculty in which the Student is enrolled during the period of the Suspension. At the discretion of the Discipline Officer or the UAB, the suspension may be noted on the Transcript for a further period of up to three years after the end of the suspension. (GFC 24 SEP 2007) (CLRC 24 MAY 2012)
- 30.4.2(13) c A Student shall receive credit for any course passed before the effective date of the Suspension.
- 30.4.2(13) d Withdrawals resulting from a decision of Suspension will show as grades of "W" on the Student's Transcript and will remain part of the Central Academic Record. (CLRC 24 MAY 2012)
- 30.4.2(13) e A student is deemed to have withdrawn from all courses as of the date of a Suspension; the fee refund dates outlined in § 22.2.9 of the *University Calendar* shall apply. (CLRC 30 MAY 2002)
- 30.4.2(13) f.i Upon expiry of a Suspension of less than 12 months the Student will be permitted to re-enroll in the program from which the Student was suspended provided the Student has not been required to withdraw in accord with the Faculty's published Academic Standing regulations. (CLRC 06 JUN 2013)
- 30.4.2(13) f.ii If the Suspension is for 12 months or more, the Student must apply for readmission to the University. Students should refer to the University of Alberta Calendar for more information on admission and readmission. (<http://www.registrar.ualberta.ca/calendar/>) (CLRC 06 JUN 2013)

**30.4.2(16) Suspension of Non-essential University Services and Resources**

30.4.2(16) a "Suspension of Non-essential University Services and Resources" is the denial, for a specified time, of those services or resources that are convenient or helpful to a Student but not necessary for the Student to complete a specific University program.

30.4.2(16) b The classification of a sanction as a Suspension of Non-essential University Services and Resources may be appealed as part of an appeal relating to sanction.

30.4.2(16) c The Suspension of Non-essential University Services or Resources shall be noted on the Student's Discipline File kept by the Dean of the Faculty in which the Student is registered, as a Negative Service Indicator in the Central Academic Record, and the Discipline File held by the Director of UAPS. (CLRC 24 MAY 2012)

**30.4.2(17) Violation Notices**

In instances where the conduct in question or its effects are of a minor nature, a "Violation Notice" and an associated fine may be issued by a member of UAPS in lieu of initiating any other proceedings under this Code. See 30.5.6(2).

**30.4.3 Levels of Sanction****30.4.3(1) Minor Sanctions**

30.4.3(1) a Instructors have the authority to dismiss a Student from Class for no more than 3 hours of Class time for disturbing, disrupting or otherwise interfering with a Class. In cases where a single class meeting is longer than 3 hours, the Student may be dismissed from that entire class. In the case of an online course, the Instructor may bar the Student from any online activities related to the Class for a maximum of one week, or equivalent to 3 hours in-class time. See 30.3.4(1) (CLRC 28 FEB 2002) (CLRC 30 MAY 2002) (CLRC 25 APR 2013)

30.4.3(1) b Unit Directors have the authority to impose the following sanctions on a Student based on a finding that the Student has committed an offence under this Code relating to the Director's unit.

30.4.3(1) b.i Reprimand.

30.4.3(1) b.ii Fine, in an amount not to exceed \$100 per Student.

30.4.3(1) b.iii Suspension of specified Essential University Services or Resources for a period of not more than 10 Working Days.

30.4.3(1) b.iv Suspension of specified Non-essential University Services or Resources for a period of not more than one year.

30.4.3(1) c University of Alberta Protective Services members have the authority to issue the following sanctions in violation notices:

- 30.4.3(1) c.i Fine, in an amount not to exceed \$100 for Inappropriate Behaviour toward Members of the University Community not including Disruption of Class [30.3.4(1)a], Discrimination [30.3.4(2)], sexual or physical contact with another person without that person's consent [30.3.4(6)a] or harassment or sexual harassment [30.3.4(6)d];
- 30.4.3(1) c.ii Fine, in an amount not to exceed \$50 for Inappropriate Use of University Property and Resources [30.3.5];
- 30.4.3(1) c.iii Fine, in an amount not to exceed \$50 for Other Offences [30.3.6] not including Alcohol Provision and Consumption;
- 30.4.3(1) c.iv Restitution in addition to or in lieu of any other applicable fine in an amount not to exceed \$500.
- 30.4.3(2) Intermediate Sanctions**
- 30.4.3(2) a Based on a finding that a Student has committed an offence under this Code, the Dean of the Faculty in which the offence occurred has the authority to impose Minor Sanctions and one or more of the following Intermediate Sanctions: (GFC 24 SEP 2007)
- 30.4.3(2) a.i a mark reduction or a mark of 0 on any term work or examination for reason of Inappropriate Academic Behaviour; (GFC 24 SEP 2007)
- 30.4.3(2) a.ii Reduction of a grade in a course;
- 30.4.3(2) a.iii a grade of F for a course; (CLRC 27 MAR 2003)
- 30.4.3(2) a.iv a remark on a transcript of 8 (or 9 for failing graduate student grades), indicating Inappropriate Academic Behaviour, in addition to 30.4.3(2) a.i, 30.4.3(2) a.ii or 30.4.3(2) a.iii; (CLRC 27 MAR 2003) (CLRC 25 NOV 2004)
- 30.4.3(2) a.v Suspension of specified Essential University Service or Resource for a period of 10 Working Days to one year;
- 30.4.3(2) a.vi Suspension of a specified Non-essential University Services or Resource for a period of one to three years;
- 30.4.3(2) a.vii a Fine in an amount not to exceed \$500 per Student;
- 30.4.3(2) a.viii Conduct Probation; and
- 30.4.3(2) a.ix Exclusion from all or specified areas of the University for a specified period of time.
- 30.4.3(2) b The Dean has the authority to impose one or more of the following sanctions in addition to or in lieu of Minor Sanctions based on a finding that the Student has committed an application-related offence under this Code. (EXEC 04 MAY 2009)
- 30.4.3(2) b.i Refusal to consider applications for admission for up to five years, or permanently. (EXEC 04 MAY 2009)

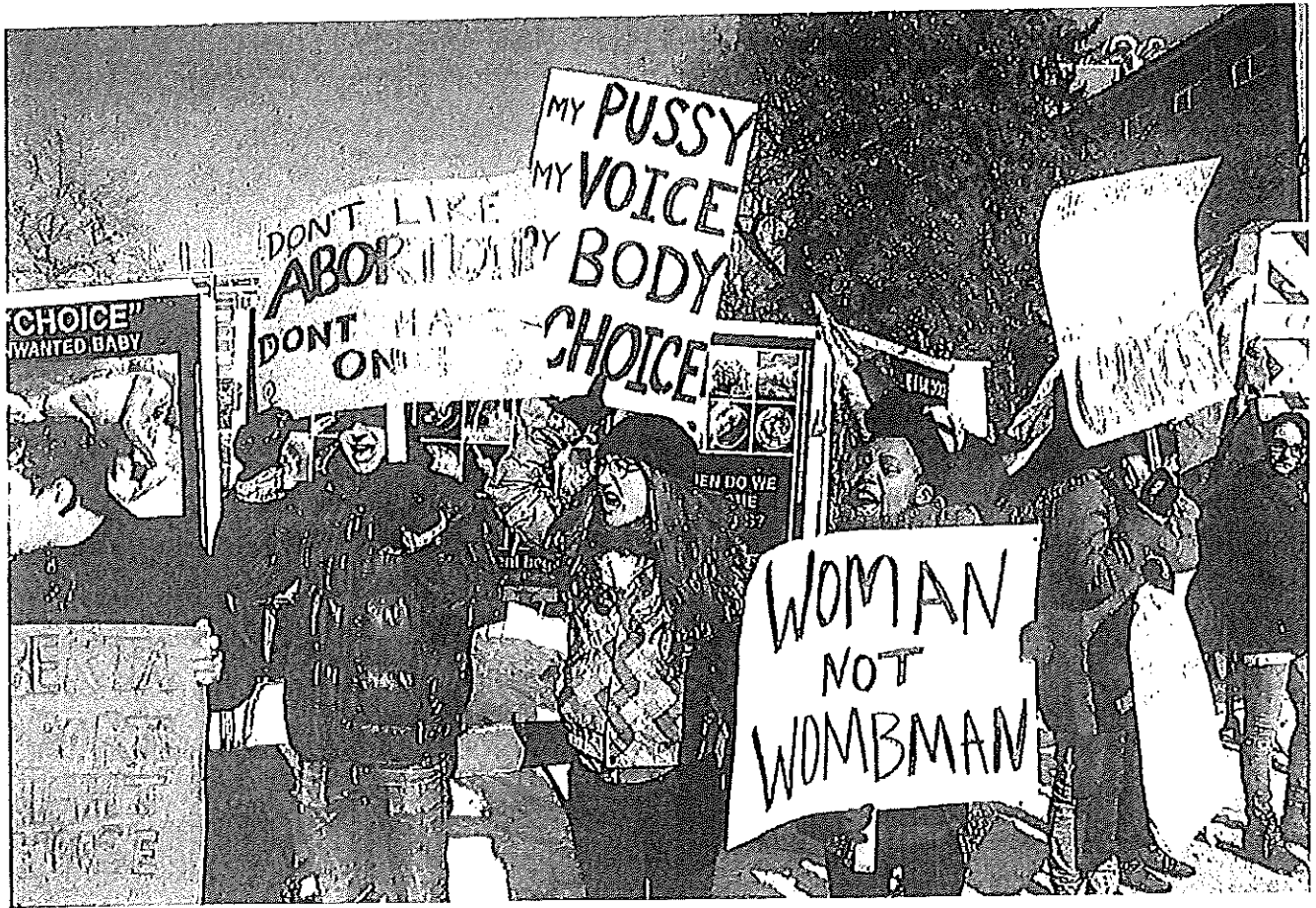


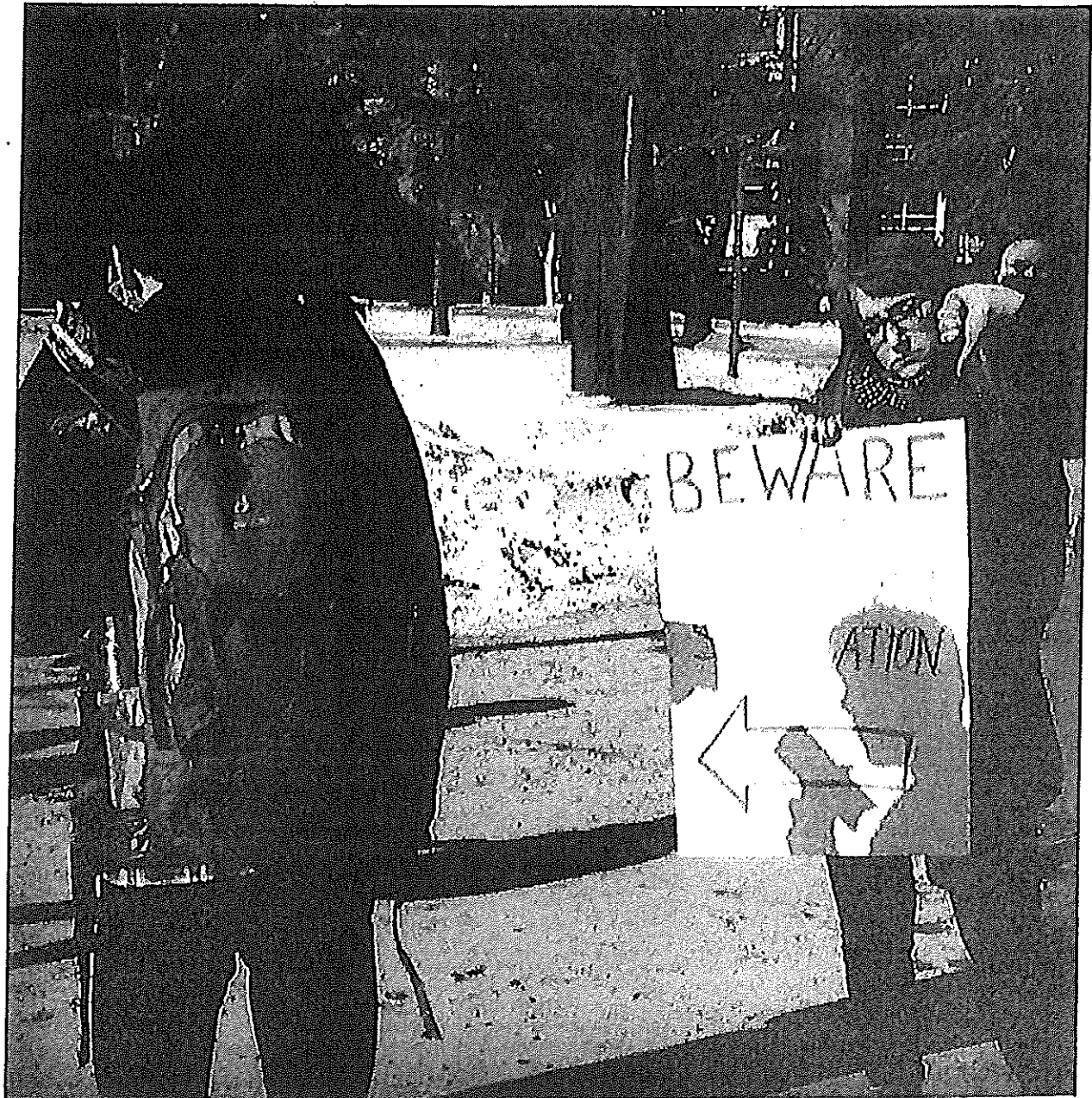
THIS IS EXHIBIT " 14 " referred to in the Affidavit of Amberlee Nicol Sworn before me this 11 day of Sept. A.D. 2015  
A Commissioner In and for the Province of Alberta  
Student-at-Law





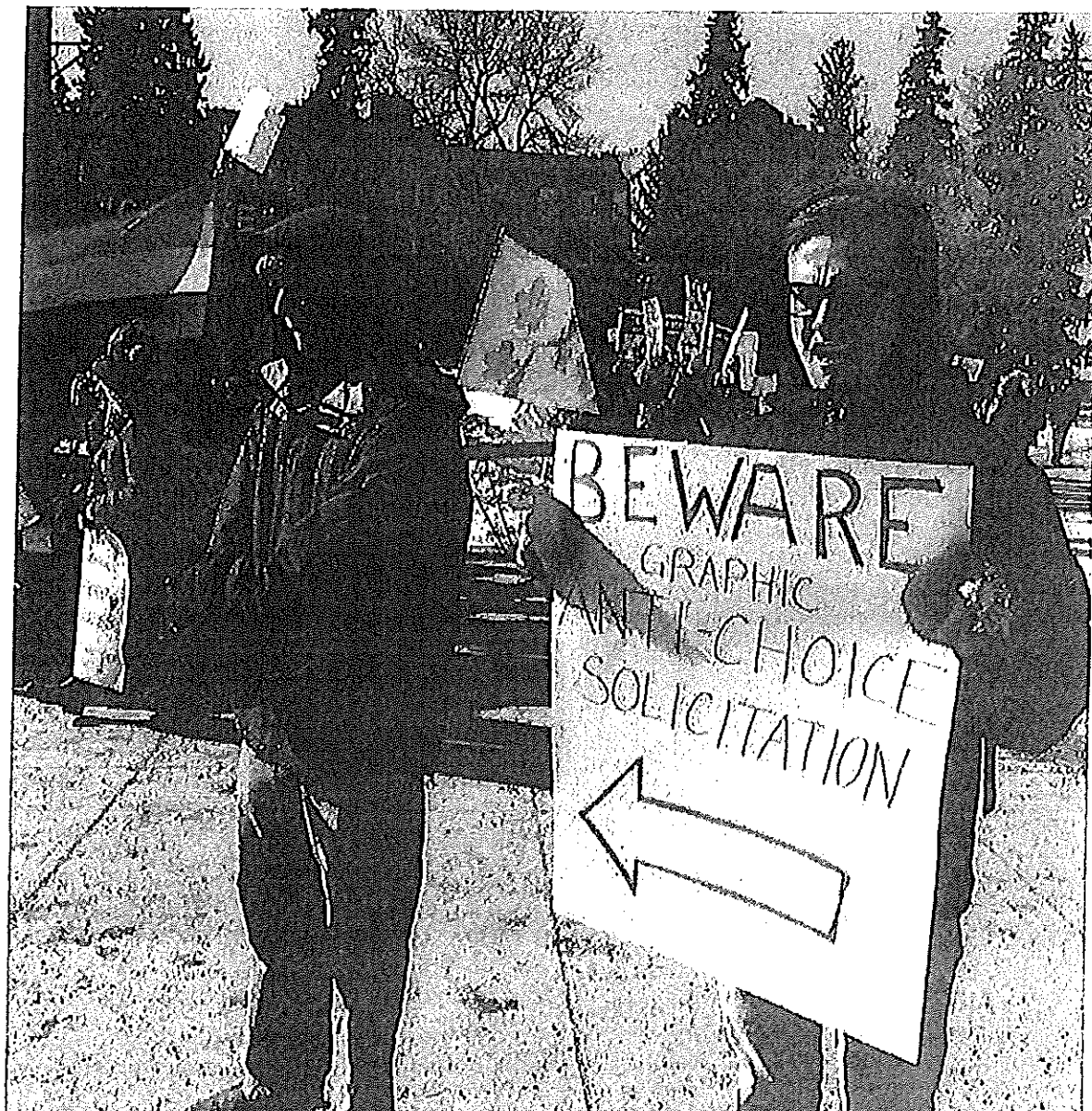


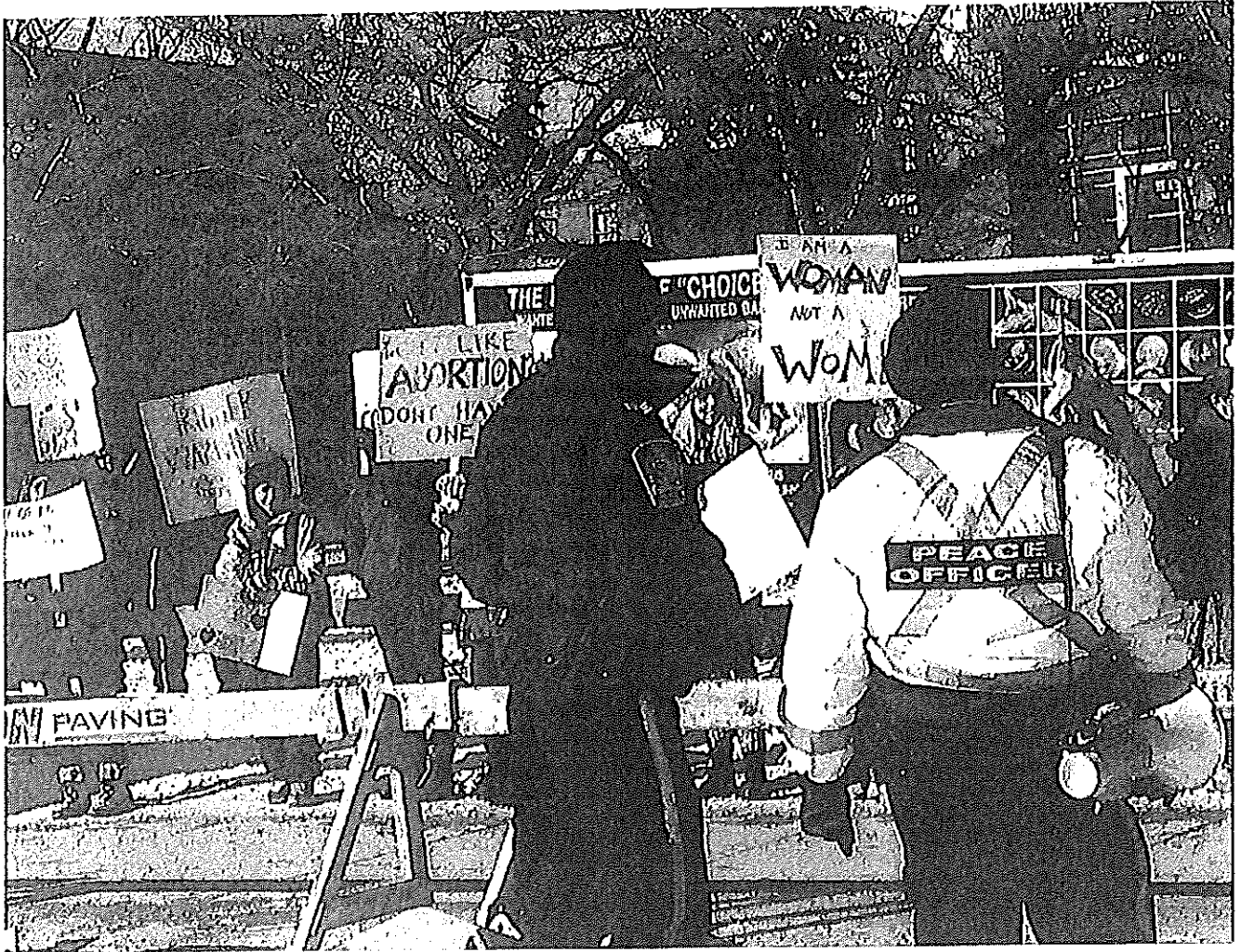




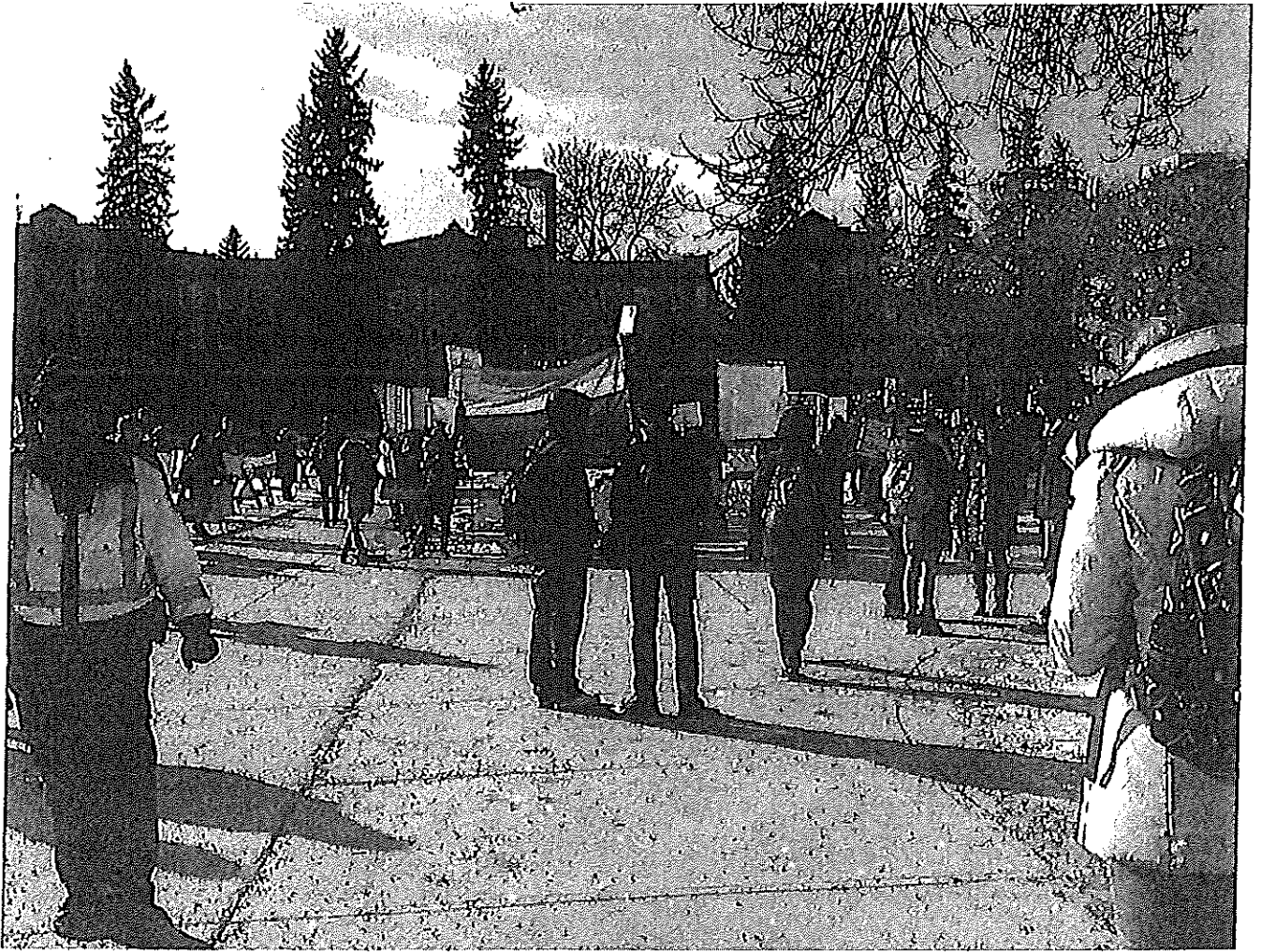




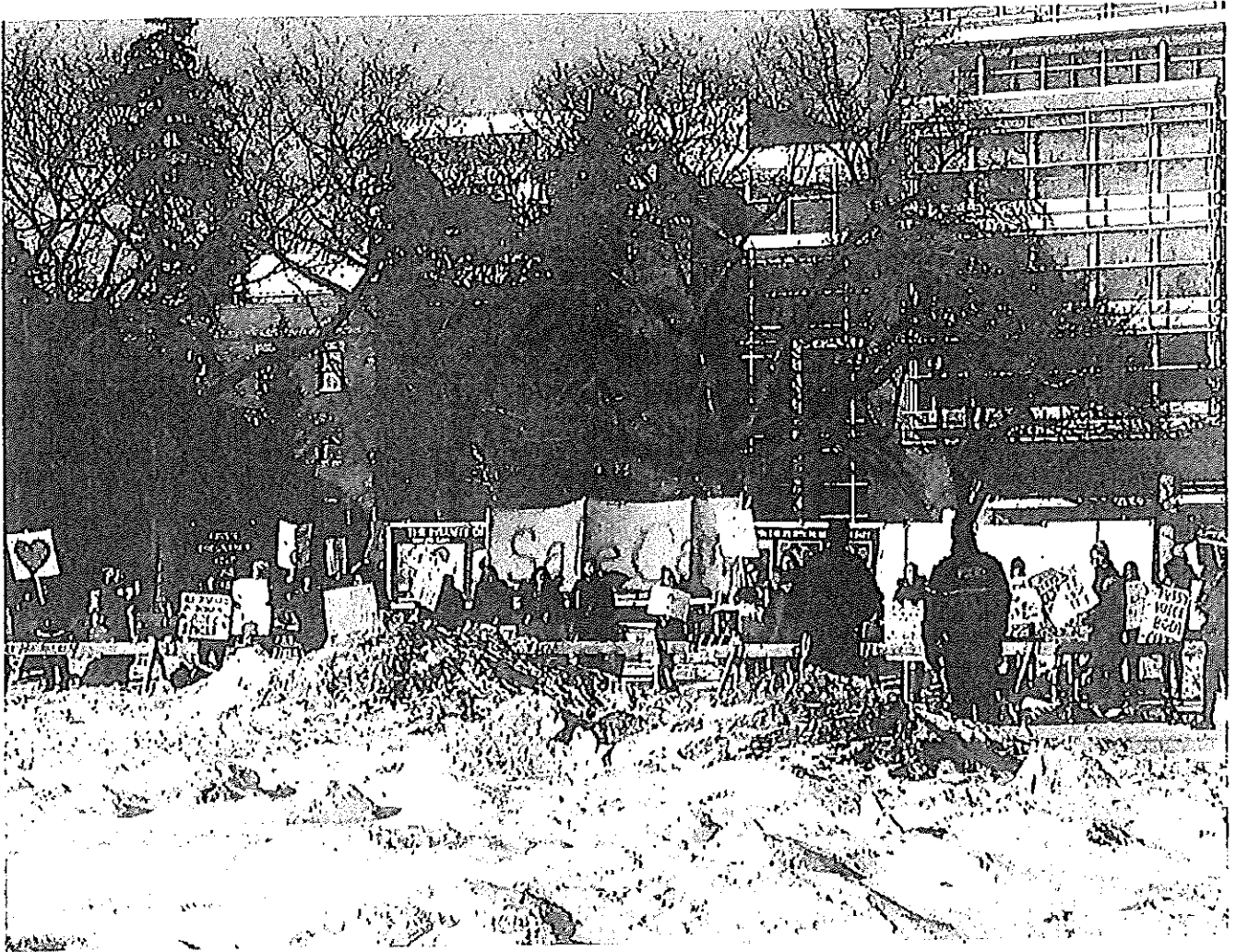




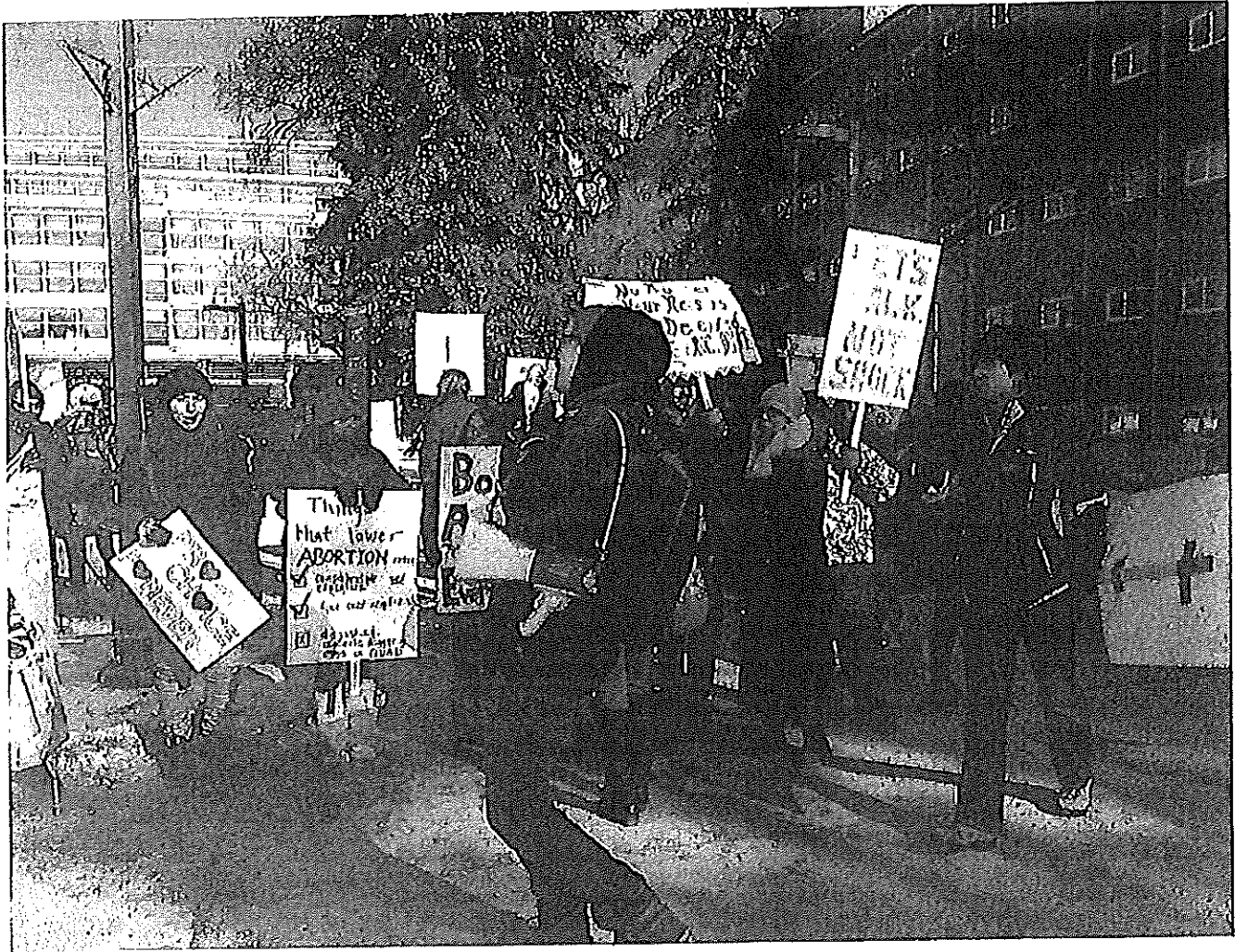


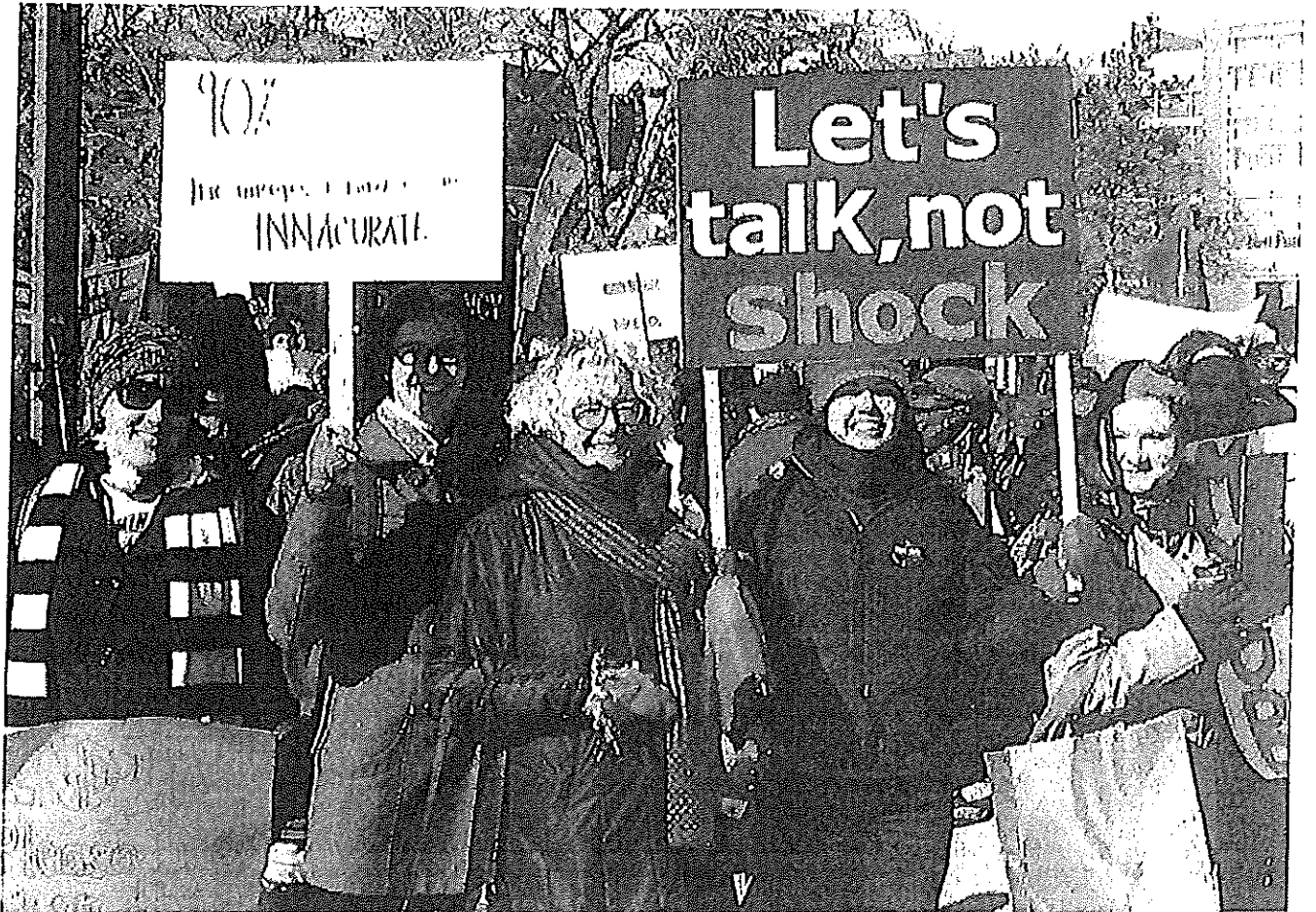




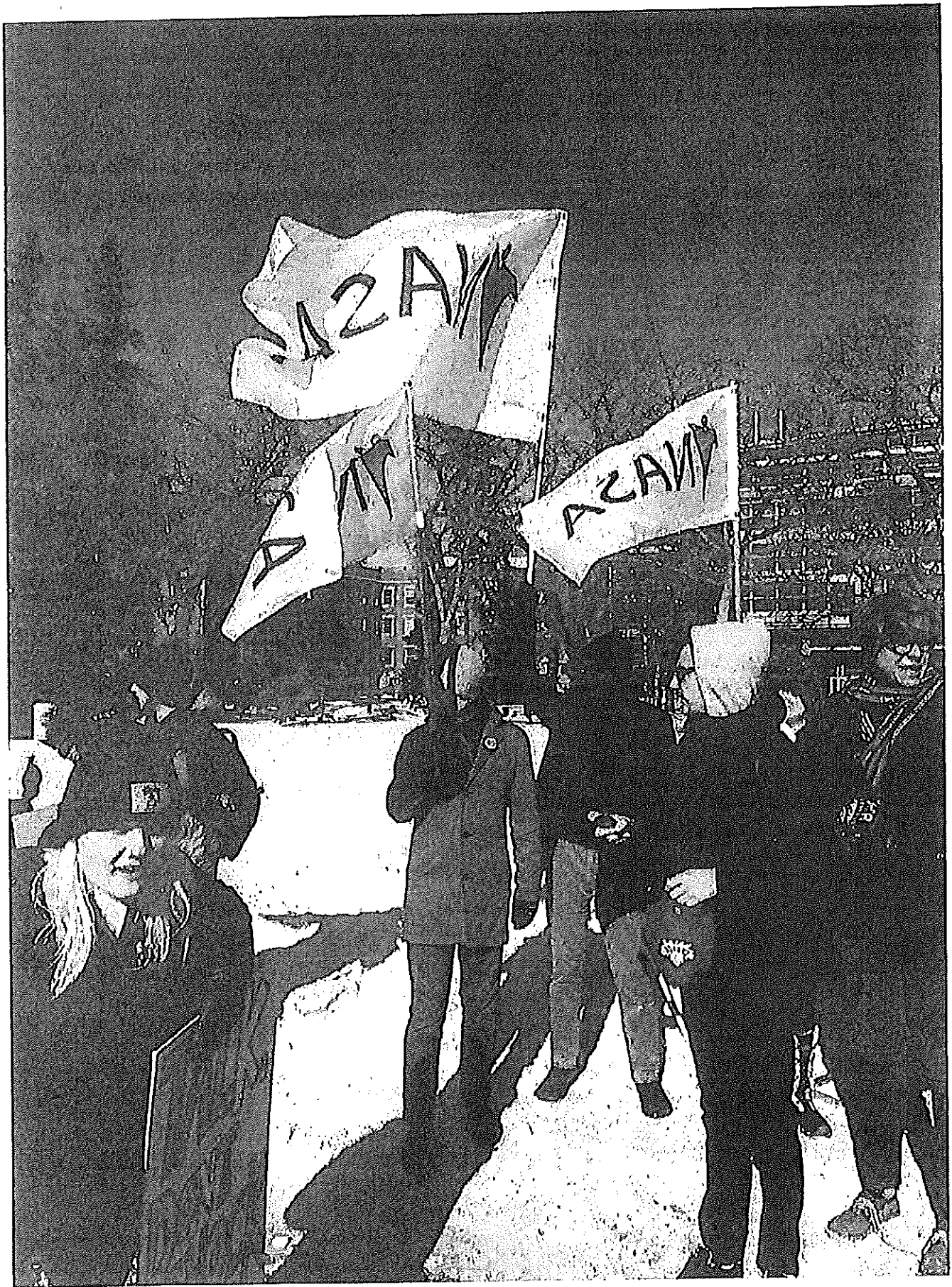
















University of Alberta  
Protective Services

11390-87 Avenue, Edmonton, Alberta, Canada T6G 2R5 | 780-497-5930

THIS IS EXHIBIT " I  
referred to in the Affidavit of  
Amberlee Nicol

File Number  
15-577  
Police File Number

WITNESS STATEMENT

Witnessed me this 11th day of Sept A.D. 2015

Type of Occurrence disruption	Location day of Sept A.D. 2015	Date 11/09/15	Page 1 of 6
Last Name Nicol	Given Names Amberlee Nicol	Date of Birth 11/11/88	Sex F
<input type="checkbox"/> NO AFFILIATION <input checked="" type="checkbox"/> STUDENT	UofA Faculty/Department Student	UofA Title Student at Law	ONEcard Number 1111 1111
Home Address (Street / City / Province / Postal Code) 2000 100 St, Edmonton, AB T6G 2R5			Home Phone 780-497-5930
Work Address (Building/Room Number/Address)			Work Phone

In the morning of March 4th, the protest club...  
 were held toward the... we had some...  
 channels... to get the... the...  
 saw on social media that there were...  
 as... with signs... and...  
 see... they, we... this...  
 event... as...  
 a large group of...  
 to move, making it...  
 went through... the...  
 the... 3:30... The exact same thing...  
 time when we did the... of second day, on March 4th.

Not only were the... physically... they were...  
 and... and...  
 with... They...  
 "Don't talk to them!" or "don't take their..."

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Witness Signature <i>Amberlee Nicol</i>	Date 11/11/15	Time 11:11	Page 1 of 6
Taken by: No. 11601 Name: [Signature]	Signature [Signature]	Date 11/11/15	Time 11:11

WITNESS COPY

**WITNESS STATEMENT**

Type of Occurrence		Location		Date 4/21/15   10:00   10:15	
Last Name Nico		Given Names Kathleen Robin		Date of Birth 1977   11/13   1977	
<input type="checkbox"/> NO AFFILIATION <input type="checkbox"/> ACADEMIC STAFF <input type="checkbox"/> STUDENT <input type="checkbox"/> SUPPORT STAFF		UofA Faculty/Department		UofA Title	
Home Address (Street / City / Province / Postal Code)				ONEcard Number	
Work Address (Building/Room Number/Address)				Home Phone	
				Work Phone	

we were other members and affiliates, they were also university staff members participating in the protest regarding the Non-Academic Association (NAA) union in the UofA building. They were wearing NAA president's name photos & hats and they were at the union protest, expressing support to the union - the students, and we were very happy that not only were students trying to negotiate as well as our mutual employees of the university were also supporting the protest in the union, in a seemingly peaceful way.

Furthermore while I was at work at the time of the protest, I saw Dr. Kathleen Wells who had encouraged individuals who were at the protest to go to work with Dr. Wells advising them to follow the process of government negotiation and Dr. Wells said they should the protest to her students, and she wanted them to come to her office to promote that plan to her students. It makes it seem like both Dr. Wells and Dr. Strain were continuing what was done to us,

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Witness Signature <i>Kathleen Wells</i>	Date 2015   04   21	Time 10:15	Page 3 of 6
Taken by: <i>[Signature]</i>	Date 2015   04   21	Time 17:17	

WITNESS COPY





**WITNESS STATEMENT**

Type of Occurrence		Location		Date	
Last Name		Given Names		Date of Birth	
<input type="checkbox"/> NO AFFILIATION <input type="checkbox"/> ACADEMIC STAFF <input type="checkbox"/> STUDENT <input type="checkbox"/> SUPPORT STAFF		UofA Faculty/Department		UofA Title	
Home Address (Street / City / Province / Postal Code)				ONEcard Number	
Work Address (Building/Room Number/Address)				Home Phone	
				Work Phone	

we would like to see her expelled from the campus. She has demonstrated a willingness to defy UofA's rules to bring alcohol into the campus, making this a safety issue for me and my club to hold events. We are a party club on campus, its students we should not have to be afraid that any time we have an event on campus there will be someone with a bottle of alcohol that will inevitably break the law on our campus. As mentioned by her willingness to commit these acts in violation of UofA's, both in relation to this event and in relation to her education in general, it seems clear that she will continue to break laws and regulations in order to attack our club.

Because Diana Steele is not a student, and we have to break campus rules to work over our university regulations, we would like to see her expelled from campus for bringing alcohol and using it in a disruptive manner.

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Witness Signature	Date	Time	Page
<i>[Signature]</i>	2/24/11	11:00	1 of 1
Taken by:	Date	Time	
<i>[Signature]</i>	2/24/11	11:00	1751

WITNESS COPY

University of Alberta  
Protective Services

11390-87 Avenue, Edmonton, Alberta, Canada T6G 2R5 | 780-492-5050

File Number

Police File Number

**WITNESS STATEMENT**

Type of Occurrence <i>University</i>		Location		Date YYYY   MM   DD <i>2011   04   02</i>	
Last Name <i>Niel</i>		Given Names <i>Andrew Niel</i>		Date of Birth YYYY   MM   DD <i>1985   03   15</i>	
<input type="checkbox"/> NO AFFILIATION <input type="checkbox"/> ACADEMIC STAFF <input type="checkbox"/> STUDENT <input type="checkbox"/> SUPPORT STAFF		UofA Faculty/Department		UofA Title	
Home Address (Street / City / Province / Postal Code)				Home Phone	
Work Address (Building/Room Number/Address)				Work Phone	

Because Zoe Cheng is our knowledge of the situation in this area, but has still believed in the need of alternative action by some signatories representing the university. In this case, we would like to see her assigned community service hours as well as a written letter of apology addressed to the club.

For the rest of the contributors to our statements in the description and substance of our display, we would also like each of them to issue a letter of apology addressed to the club. We would also like the university to take action in order to reprimand employees of theirs who have behaved inappropriately in relation to this matter.

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Witness Signature <i>Andrew Niel</i>		Date YYYY   MM   DD <i>2011   04   02</i>		Time <i>3:24</i>		Page <i>1</i> of <i>1</i>	
Taken by: No. <i>116</i> Name <i>Heaven</i>		Signature <i>Heaven</i>		Date <i>2011   04   02</i>		Time <i>11:14</i>	

WITNESS COPY

---

**Fwd: Appeal of November 30, 2015 Decision of UAPS**

---

Jay Cameron &lt;jcameron@jccf.ca&gt;

Mon, Dec 21, 2015 at 11:58 AM

To: Deb Eerkes &lt;deerkes@ualberta.ca&gt;

Cc: Cameron Wilson &lt;crwilson@ualberta.ca&gt;, Amberlee Nicol &lt;amberlee@ualberta.ca&gt;, Bill Spinks &lt;spinks@ualberta.ca&gt;, "uofapres@ualberta.ca" &lt;uofapres@ualberta.ca&gt;, Chris Hackett &lt;chackett@ualberta.ca&gt;

Thank you, Ms. Eerkes. We look forward to hearing from your office and are standing by in the event further information is required.

Jay

Sent from my iPhone  
(Quoted text hidden)

---

**Fwd: Appeal of November 30, 2015 Decision of UAPS**

---

Deb Eerkes &lt;deerkes@ualberta.ca&gt;

Mon, Dec 21, 2015 at 10:27 AM

To: Jay Cameron <jcameron@jccf.ca>, Cameron Wilson <crwilson@ualberta.ca>, Amberlee Nicol  
<amberlee@ualberta.ca>

Cc: Bill Spinks &lt;spinks@ualberta.ca&gt;, uofapres@ualberta.ca, Chris Hackett &lt;chackett@ualberta.ca&gt;

Dear Mr. Cameron,

I am writing to confirm that Ms. Nicol's and Mr. Wilson's appeal has been received within the 15 working days allowed. I have requested the UAPS file and Chris Hackett, Discipline Officer, will be undertaking the review. He will be in touch if he needs any further information from you and will likely make a decision early in the new year.

Best regards,  
Deb Eerkes

deborah eerkes | director • student conduct and accountability\*\* | 780.492.5514 |  
[www.ualberta.ca/studentconduct](http://www.ualberta.ca/studentconduct)

\*\*Please note name change (formerly Office of Student Judicial Affairs)

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On Fri, Dec 18, 2015 at 2:26 PM, Jay Cameron <jcameron@jccf.ca> wrote:

[Quoted text hidden]

---

**Fwd: Appeal of November 30, 2015 Decision of UAPS**

---

Jay Cameron &lt;jcameron@jccf.ca&gt;

Fri, Dec 18, 2015 at 2:26 PM

To: studentconduct@ualberta.ca, splinks@ualberta.ca, uofapres@ualberta.ca

Dear Ms. Eerkes,

Please find attached our clients' appeal of the Decision of UAPS released on November 30, 2015.

Please contact me if you have any questions or would like to discuss the attached. I can be reached on my cell phone at (403)909-3404. Thank you.








Best regards,

Jay Cameron

Jay Cameron, BA, LLB  
Barrister and Solicitor  
Justice Centre for Constitutional Freedoms  
#253, 7620 Elbow Drive SW  
Calgary, AB, T2V 1K2  
Direct line: (403)909-3404

---

**7 attachments**

-  **Appeal of November 30, 2015 Decision of UAPS.pdf**  
2365K
-  **U of A President Statement regarding student club display on campus.pdf**  
97K
-  **Letter of John Carpay to Ms. Berry, dated March 2, 2015.pdf**  
174K
-  **Facebook posts about obstructing the Event.pdf**  
104K
-  **Pertinent sections of the COSB.pdf**  
654K
-  **Photos of the Blockade.pdf**  
3000K
-  **Complaint.pdf**  
6398K



**University of Alberta  
Protective Services**

11390-87 Avenue, Edmonton, Alberta, Canada T6G 2R5 | 780-492-5050

File Number  
**15-577**  
Police File Number

**WITNESS STATEMENT**

Type of Occurrence <i>disrupting a club event</i>		Location <i>main quad</i>		Date <i>2015 10/13 013</i>		
Last Name <i>Nicol</i>		Given Names <i>Amberlee Robin</i>		Date of Birth <i>1/8/95 10/12 0/21</i>		Sex <i>F</i>
<input type="checkbox"/> NO AFFILIATION <input checked="" type="checkbox"/> STUDENT	<input type="checkbox"/> ACADEMIC STAFF <input type="checkbox"/> SUPPORT STAFF	UofA Faculty/Department <i>Education</i>		UofA Title		ONEcard Number <i>1415094</i>
Home Address (Street / City / Province / Postal Code) <i>PO Box 72269 Summerwood RPO Sherwood Park, AB T8H 0M6</i>				Home Phone <i>587-987-5287</i>		
Work Address (Building/Room Number/Address)				Work Phone		

On the morning of March 3rd, the pro-life club set up a display in main quad around 9:30am or so. We had gone through the appropriate channels in order to get the event approved by the university, but I saw on social media that there were several students planning on obstructing our display with signs, banners, and bed sheets, so that passers by could not see the display. We notified UAPS about this potential disruption before the event, however, as soon as our display was set up on the morning of a large group of counter-protesters surrounded our display and refused to move, making our display impossible to view. Though individuals came and went throughout the day, the crowd itself remained until we took down the display around 3:30pm. The exact same thing happened at the exact same time when we did the display a second day, on March 4th.

Not only were the protesters physically obstructing the display, they were also chanting and singing and intentionally disrupting conversations our volunteers were having with onlookers. They tried to scare people away from volunteers by saying things like "don't talk to them" or "don't take their pamphlets!"

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Witness Signature <i>Amberlee Nicol</i>		Date <i>2015 10/13 11/1</i>	Time <i>4:21pm</i>	Page <u>1</u> of <u>6</u>
Taken by: No. <i>12601</i> Name <i>M. TERON</i>		Signature <i>M. Teron</i>		Date <i>1/5/15</i> 10/13 11/1
				Time <i>1527</i>

ORIGINAL

057



University of Alberta  
Protective Services

11390-87 Avenue, Edmonton, Alberta, Canada T6G 2R5 | 780-492-5050

File Number  
15-577

Police File Number

WITNESS STATEMENT

Type of Occurrence Complainant UofA		Location		Date 2015 01/31 03/04	
Last Name Nicol		Given Names Amberlee Nicol		Date of Birth YYYY MM DD	
<input type="checkbox"/> NO AFFILIATION <input type="checkbox"/> ACADEMIC STAFF <input type="checkbox"/> STUDENT <input type="checkbox"/> SUPPORT STAFF		UofA Faculty/Department		UofA Title	
Home Address (Street / City / Province / Postal Code)				Home Phone	
Work Address (Building/Room Number/Address)				Work Phone	

Upon further investigation, we discovered that one of the main organizers of the event was a student named Claire Edwards, who has targeted our club in the past by destroying posters advertising our club events and encouraging others to do likewise. Not only was she helping block the display in person, but she coordinated the creation of signs for the event, following around our volunteers with a hand held sign in order to disrupt their attempts to engage in conversation (I don't know how successful she was), and she delivered a speech on the first day with Zoe Chrytors, another key organizer and their main media spokesperson, in order to rally the crowd obstructing the display. She and Zoe were also assisted by Brian Steele, a non-student who created the Facebook event for the counterprotest and who helped them lead chants with a megaphone. She knowingly ignored VAPS warnings about disrupting our event, and encouraged others to do the same.

Since the event we have used social media to ID nearly 100 participants in this disruptive counter-protest, which was at least partially successful in stopping community members from engaging with our display and our volunteers. They literally encircled our entire display at certain points of the day, making

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Witness Signature <i>Amberlee Nicol</i>		Date 2015 01/31	Time 11:10	Page 2 of 6
Taken by: No. 17601 Name M. JERON		Signature <i>M. Jeron</i>		Date 2015 01/31

ORIGINAL





**University of Alberta  
Protective Services**

11390-87 Avenue, Edmonton, Alberta, Canada T6G 2R5 | 780-492-5050

File Number <b>15-577</b>
Police File Number

**WITNESS STATEMENT**

Type of Occurrence <b>Complacant's University</b>		Location		Date <b>2015   03   03/04</b>	
Last Name <b>Nicol</b>		Given Names <b>Ambedee Robin</b>		Date of Birth YYYY   MM   DD	
<input type="checkbox"/> NO AFFILIATION <input type="checkbox"/> ACADEMIC STAFF <input type="checkbox"/> STUDENT <input type="checkbox"/> SUPPORT STAFF		UofA Faculty/Department		UofA Title	
Home Address (Street / City / Province / Postal Code)				Home Phone	
Work Address (Building/Room Number/Address)				Work Phone	

me and other volunteers feel intimidated. There were also university staff members participating in the protest representing the Non-Academic Staff Association (NASA), as evidenced by the logo-emblazoned flags they were waving. NASA's president posted photos of himself and other staffers at the counter-protest, expressing support for the actions of the protesters. I found it very troubling that not only were students trying to intimidate us and obstruct our event, employees of the university were also encouraging and participating in the disruption in a seemingly official capacity.

Furthermore, while I do not know whether or not they participated in the disruption directly, two different professors, Dr. Christina Stasia and Dr. Kristopher Wells, aided and encouraged the individuals who coordinated the counter-protest, with Dr. Wells advising them on ideas for using the protest as a fund-raising opportunity, and Dr. Stasia passed along info about the protest to her students, as well as invited protest coordinators to come to her class in order to promote their plans to her students. It makes it appear like both Dr. Wells and Dr. Stasia were condoning what was done to us.

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Witness Signature <i>Ambedee Nicol</i>		Date <b>2015   03   03</b>	Time <b>5:49 pm</b>	Page <b>3</b> of <b>6</b>
Taken by: No. <b>2601</b> Name <b>M. JERON</b>		Signature <i>M. Jeron</i>		Date <b>2015   03   19</b> Time <b>1747</b>

ORIGINAL

059



University of Alberta  
Protective Services

11390-87 Avenue, Edmonton, Alberta, Canada T6G 2R5 | 780-492-5050

File Number  
15-577

Police File Number

WITNESS STATEMENT

Type of Occurrence <i>Complaints University</i>		Location		Date <i>2015 03 03/04</i>	
Last Name <i>Nicol</i>		Given Names <i>Amberlee Robin</i>		Date of Birth YYYY MM DD	
<input type="checkbox"/> NO AFFILIATION <input type="checkbox"/> ACADEMIC STAFF <input type="checkbox"/> STUDENT <input type="checkbox"/> SUPPORT STAFF		UofA Faculty/Department		UofA Title	
Home Address (Street / City / Province / Postal Code)				Home Phone	
Work Address (Building/Room Number/Address)				Work Phone	

To expand on the offenses of the three main organizers of the disruption, namely Claire, Zoe, and Brian, we believe them to be violating the following portions of the university's code of student conduct:

Claire Edwards - 30.3.4(1)c, 30.3.6(5) - helped, encouraged people to break the law  
30.3.4(1)b + obstructing university-activities, university-related functions  
30.3.4(6)c - for creating a mob, refusing to disperse  
or → 30.3.6(2)d - harassment, for following, harassing volunteers  
→ 30.3.4(6)a<sup>2</sup> - mischief

Zoe Chafors - 30.3.4(1)c, 30.3.6(5), 30.3.4(1)b, 30.3.4(6)c, 30.3.4(6)a  
(for the same reasons listed for Claire, minus harassment)

Brian Steele - same offenses as Zoe, for the same reasons

We would like the rest of the obstructors to be punished for violating 30.3.4(1)b, 30.3.4(6)c, , 30.3.6(2)a.

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Witness Signature <i>Amberlee Nicol</i>		Date <i>2015 03 03</i>	Time <i>5:47 pm</i>	Page <u>4</u> of <u>6</u>
Taken by: No. <u>12601</u> Name <u>M. TIRON</u>		Signature <i>M. Tiron</i>		Date <i>2015 03 03</i> Time <i>1750</i>

ORIGINAL

060

Attachment #1



University of Alberta  
Protective Services

11390-87 Avenue, Edmonton, Alberta, Canada T6G 2R5 | 780-492-5050

File Number  
15-577  
Police File Number

WITNESS STATEMENT

Type of Occurrence <i>Complaints University</i>		Location		Date <i>2015 10/13 03/04</i>	
Last Name <i>NIGL</i>		Given Names <i>Amberlee Robin</i>		Date of Birth YYYY MM DD	
<input type="checkbox"/> NO AFFILIATION <input type="checkbox"/> ACADEMIC STAFF <input type="checkbox"/> STUDENT <input type="checkbox"/> SUPPORT STAFF		UofA Faculty/Department		UofA Title	
Home Address (Street / City / Province / Postal Code)				Home Phone	
Work Address (Building/Room Number/Address)				Work Phone	

For Claire Edwards, we would like to see her expelled from the university, because she has demonstrated a willingness to defy VAPS and to harass and intimidate pro-lifers on campus, making this an unsafe space for me and my club to hold events and express opinions freely on campus. As students we should not have to be afraid that any time we dare express our opinions on campus, Claire will organize another mob of 100+ people that will knowingly break the law in order to silence us. As demonstrated by her willingness to commit these acts in spite of multiple warnings from VAPS, both in relation to this event and in relation to her destruction of our posters, it seems clear that she will continue to break laws and regulations in order to attack our club.

Because Brian Steele is not a student, and has chosen to disrupt campus activities and break laws and university regulations, we would like to see him banned from campus for helping orchestrate and carry out this disruptive behavior.

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Witness Signature <i>Amberlee Nigal</i>		Date <i>2015 10/13</i>	Time <i>11:11</i>	Page <u>5</u> of <u>6</u>
Taken by: No. <u>12601</u> Name <i>M. Teron</i>		Signature <i>M. Teron</i>		Date <i>2015 10/13</i>
				Time <i>1751</i>

ORIGINAL

061



University of Alberta  
Protective Services  
11390-87 Avenue, Edmonton, Alberta, Canada T6G 2R5 | 780-492-5050

File Number  
15-577  
Police File Number

WITNESS STATEMENT

Type of Occurrence Complaints University.		Location		Date 2015 01/31 08/04	
Last Name Nicol		Given Names Amberlee Rob'n		Date of Birth YYYY MM DD	
<input type="checkbox"/> NO AFFILIATION <input type="checkbox"/> ACADEMIC STAFF <input type="checkbox"/> STUDENT <input type="checkbox"/> SUPPORT STAFF		UofA Faculty/Department		UofA Title	
Home Address (Street / City / Province / Postal Code)				Home Phone	
Work Address (Building/Room Number/Address)				Work Phone	

Because Zoe Chaytors to our knowledge has not had a previous offense in this area, but has still behaved in an illegal and disruptive fashion by openly organizing, representing, and participating in this lawless behavior, we would like to see her assigned community service hours as punishment, as well as a written letter of apology addressed to our club.

For the rest of the contributors to and participants in the disruption and obstruction of our display, we would also like each offender to issue a letter of apology addressed to the club. We would also like the university to take action in order to reprimand employees of theirs who have behaved inappropriately in relation to this ~~matter~~ matter.

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Witness Signature <i>Amberlee Nicol</i>		Date 2015 01/31	Time 15:49	Page 6 of 6
Taken by: No. 12601 Name M. TIRON		Signature <i>M. Tiron</i>		Date 2015 01/31
				Time 1749

ORIGINAL



November 30, 2015

Via Email: [amberlee@ualberta.ca](mailto:amberlee@ualberta.ca)  
[kianna1@ualberta.ca](mailto:kianna1@ualberta.ca)  
[crwilson@ualberta.ca](mailto:crwilson@ualberta.ca)

Attention: Ms. Nicol, Ms. Owen, and Mr. Wilson

Dear Ms. Nicol, Ms. Owen and Mr. Wilson:

**RE: Code of Student Behaviour Investigation**  
**UAPS File 2015-0577**  
**Incident: Go-Life Student Group Event on March 3 – 4, 2015**

This letter is in reference to the complaint you filed with University of Alberta Protective Services (UAPS) on March 11, 2015. In that complaint, as members of the Go-Life student group, you alleged that protesters/demonstrators who attended your group's two-day event in early March 2015 contravened the *Code of Student Behaviour* (COSB). Pursuant to section 30.5.2(7) of the COSB, I write to advise that I am declining to proceed with your complaint for the reasons which follow.

In a review of your complaint, I note that on March 11, 2015, Ms. NICOL provided UAPS with her written witness statement which complains about a number of individuals including UofA Students, UofA Staff Members, and Non Affiliates. In particular, she alleged that these individuals attended the Go-Life group's approved two day event on March 3 and 4, 2015, and alleged that these individuals committed several COSB violations (UAPS File 2015-0577 refers). The specifics of Ms. NICOL's allegations are documented in UAPS File 2015-0577\_1, paragraph #3 refers.

On April 14, 2015, Mr. FRASER, (the UAPS Investigator) met with all three of you and asked whether you had any new and/or additional information other than what Ms. NICOL's had previously provided to UAPS. No new or additional information was provided by you. In Ms. NICOL's March 11, 2015 report, she stated that the Go-Life group members had compiled evidence for UAPS, where Go-Life group members claimed to have identified "the others" as being the protesters/demonstrators who had attended the two day event and who are alleged to



have committed the COSB violations. Ms. NICOL stated the evidence compiled by the Go-Life group members consisted of the following, all of which was reviewed:

- a) Digital images of "the others" who committed COSB violations at the two day event in respect of whom Go-Life group members had identified.
- b) Video clips that captured individual protesters / demonstrators at the event and their activity at the time of the recording.
- c) Captured Facebook screenshots of written exchanges between identified protesters / demonstrators with others.
- d) The Go-Life group had captured the above mentioned evidence in two categories: (i) organizers of the protester / demonstrator group, and (ii) 102 individual protester / demonstrators not being a part of the organizer category.

The above mentioned evidence did not specify how and/or who had made the alleged identification of the individual(s) in the images or video clips. Further to that, the captured images and/or video clips did not specify the date and/or the time that the image and/or video clip had been captured nor specify who had taken the image and/or video clip to authenticate the recording (image or video clip). As such, the evidence that had been provided to UAPS could not be relied upon as factual and/or reliable evidence.

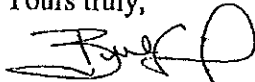
In addition to this, I also considered

- a) UAPS' jurisdiction under the COSB, which only applies to Students
- b) the express directive in the COSB which provides that "nothing in this Code shall be construed to prohibit peaceful assemblies and demonstrations...or to inhibit free speech" and, therefore,
- c) the likelihood of these alleged violations being substantiated through the COSB investigation, balanced with,
- d) the nature and seriousness of the alleged violation, and the advisability of committing UAPS' available resources (one investigator) to identify, contact and interview one hundred plus individual protestors / demonstrators for the alleged COSB contravention.

For all of the above noted reasons, I am exercising my discretion and declining to proceed with your complaint pursuant to section 30.5.2(6) b.

Please note that pursuant to sections 30.5.2(7) b and 30.5.2(8) of the COSB you have the right to appeal my decision not to proceed with your complaint by delivering to the Discipline Officer (office of Student Conduct and Accountability) a written letter within 15 working days of the deemed receipt of this decision. The procedures to appeal my decision are set out in s. 30.5.2(8) of the COSB, which can be found on the University of Alberta Governance website at: <http://www.governance.ualberta.ca/CodesofConductandResidenceCommunityStandards/CodeofStudentBehaviour.aspx>. The office of the Student Ombuds provides on campus assistance and can be reached at (780) 492 – 4689 or by email at [ombuds@ualberta.ca](mailto:ombuds@ualberta.ca).

Yours truly,



**Mr. Bill SPINKS**  
Director, University of Alberta Protective Services



University of Alberta  
 PROTECTIVE SERVICES  
 11390-87 AVENUE  
 EDMONTON, AB, T6G 2R5

## Incident Report

Reported by: TERON, M. P/O 12601

Incident Types Label		Incident Disposition
COMPLAINTS UNIVERSITY SPECIAL EVENT		
Report Disposition	Method of Reporting	
NOT CLEARED - STILL UNDER INVESTIGATION	IN PERSON	
Report Recorder	Manager/Supervisor On Duty	Manager/Supervisor Notified
TERON, M. P/O 12601	REPORT EXEC	YES
Incident Occurred Date	Incident Occurred End Date	Incident Discovered / Called In
2015/03/03 at 0900	2015/03/04 at 1600	2015/03/11 at 1624
Location	Specific Location	
NORTH CAMPUS : AREA : QUAD	[NOT SPECIFIED]	
Summary		
Members of the UofA Pro-life group attended UAPS to file a formal complaint for the actions of the Pro-choice group during a protest that took place on 2015MAR03/04.		

Narrative text

## INVESTIGATION:

- On 2015MAR11 at 1508 hours, Ms. NICOL, Mr. WILSON, and Ms. OWEN (UofA students and members of the UofA Pro-Life group) attended UofA Protective Services to file a formal complaint against the actions taken by the Pro-Choice group during a protest.
- According to Ms. NICOL, the Pro-Life group had gained permission from the University to display some signs and images in the Main Quad from 0900-1600 on 2015MAR03 and MAR04. Members of the Pro-Life group became aware through social media that several students were planning to attend and obstruct their display, of which they notified UAPS. Ms. NICOL stated that once they set up the display, the protesters began to surround it and obscure the display with their own signs. Ms. NICOL stated that the protesters intentionally interrupted conversations volunteers were having with bystanders. Ms. NICOL also advised they were concerned for their own safety and felt intimidated by the singing and chanting of the protesters.
- Ms. NICOL advised that through pictures and social media, they have identified approximately 100 people who allegedly participated in the protest. In her statement, Ms. NICOL named Ms. EDWARDS (UofA student) as the main organizer of the protest. She also named specifically, Ms. CHAYTORS and Mr. STEELE (both UofA students) as key organizers and spokespersons. Ms. NICOL also expressed concern that University staff were involved in the protest. She indicated there were a number of members from the Non-Academic Staff Association (NASA) seen during the protest as well as photos posted by NASA members expressing support for the protesters. Ms. NICOL also stated that two UofA professors, Dr. WELLS and Dr. STASIA, were observed on Facebook supporting the protest and offering advice.
- At 0343 hours, I received an email from Ms. NICOL providing me access to her Google drive which contained a series of photos and videos taken at the time of the protest as well as Facebook screen shots posted by people who participated in the protest. The link provided allows anyone to view the folders she has created (<https://drive.google.com/folderview?>)

Prepared By:

TERON, M. P/O 12601(12601)

Submitted Date

2015/03/12 1513

Signature

Reviewed By/Date

ROTH, M. P/O SGT 11564 2015/03/13 0847



id=0B1L2jDxjHgm\_fI9iVnR4dVdsTTF2U1dudF9sa2Q2M2RnbUF6c3FacW9uYIBSbm11UF9kdW8&usp=sharing).

5. According to available records, Ms. NICOL, Ms. OWEN, and Mr. CAMERON have been complainants in an ongoing issue of people removing Pro-Life posters from around campus (15-292, 350, and 333). Ms. NICOL and Mr. CAMERON are also mentioned in the special event entry for protest in question on 2015MAR03/04 (15-521). Ms. EDWARDS has been a complainant in a separate incident where her Pro-Choice posters were being taken down (15-344). Ms. EDWARDS, Mr. STEELE, and Ms. CHAYTORS are also mentioned in the special event entry for the above protest (15-521). Dr. STASIA has not come to the attention of UAPS in the past. Dr. WELLS has reported several instances to UAPS over the years but has not been involved with anything related to this complaint.

RECOMMENDATIONS:

- 1. Forward to the UAPS Investigator for follow-up.

ATTACHMENTS:

- 1. Ms. NICOL's statement (6 pages).

Prepared By:

TERON, M. P/O 12601(12601)

Submitted Date

2015/03/12 1513

Signature

Reviewed By/Date

ROTH, M. P/O SGT 11564 2015/03/13 0847



**University of Alberta  
Protective Services**

11390-87 Avenue, Edmonton, Alberta, Canada T6G 2R5 | 780-492-5050

File Number  
**15-577**  
Police File Number

**WITNESS STATEMENT**

Type of Occurrence <i>disrupting a club event</i>		Location <i>main quad</i>		Date <i>2015 1013 013</i>		
Last Name <i>Nicol</i>		Given Names <i>Amberlee Robin</i>		Date of Birth <i>1/8/95 10/2 0/2</i>		Sex <i>F</i>
<input type="checkbox"/> NO AFFILIATION	<input type="checkbox"/> ACADEMIC STAFF	UofA Faculty/Department <i>Education</i>		UofA Title		ONEcard Number <i>1415094</i>
<input checked="" type="checkbox"/> STUDENT		<input type="checkbox"/> SUPPORT STAFF		Home Address (Street / City / Province / Postal Code) <i>PO Box 72269 Summerwood RPD Sherwood Park, AB T8H 0M6</i>		Home Phone <i>587-987-5287</i>
Work Address (Building/Room Number/Address)					Work Phone	

On the morning of March 3rd, the pro-life club set up a display in main quad around 9:30am or so. We had gone through the appropriate channels in order to get the event approved by the university, but I saw on social media that there were several students planning on obstructing our display with signs, banners, and bed sheets, so that passers by could not see the display. We notified UAPS about this potential disruption before the event, however, as soon as our display was set up on the morning of, a large group of counter-protesters surrounded our display and refused to move, making our display impossible to view. Though individuals came and went throughout the day, the crowd itself remained until we took down the display around 3:30pm. The exact same thing happened at the exact same time when we did the display a second day, on March 4th.

Not only were the protesters physically obstructing the display, they were also chanting and singing and intentionally disrupting conversations our volunteers were having with onlookers. They tried to scare people away from volunteers by saying things like "don't talk to them!" or "don't take their pamphlets!"

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Witness Signature <i>Amberlee Nicol</i>		Date <i>2015 1013 11/1</i>	Time <i>4:21pm</i>	Page <u>1</u> of <u>6</u>
Taken by: No. <i>12601</i> Name <i>M. TERON</i>		Signature <i>M. Teron</i>		Date <i>1/25/15</i> Time <i>10:3 1/1 1527</i>

ORIGINAL

068



**University of Alberta  
Protective Services**

11390-87 Avenue, Edmonton, Alberta, Canada T6G 2R5 | 780-492-5050

File Number <b>15-577</b>
Police File Number

**WITNESS STATEMENT**

Type of Occurrence <b>Complaints UofA</b>		Location		Date <b>2015   01B1   03/04</b>		
Last Name <b>Nicol</b>		Given Names <b>Amberlee Nicol</b>		Date of Birth YYYY   MM   DD		Sex
<input type="checkbox"/> NO AFFILIATION	<input type="checkbox"/> ACADEMIC STAFF	UofA Faculty/Department		UofA Title		ONEcard Number
<input type="checkbox"/> STUDENT	<input type="checkbox"/> SUPPORT STAFF					
Home Address (Street / City / Province / Postal Code)					Home Phone	
Work Address (Building/Room Number/Address)					Work Phone	

Upon further investigation, we discovered that one of the main organizers of the event was a student named Claire Edwards, who has targeted our club in the past by destroying posters advertising our club events and encouraging others to do likewise. Not only was she helping block the display in person, but she coordinated the creation of signs for the event, following around our volunteers with a handheld sign in order to disrupt their attempts to engage in conversation (I don't know how successful she was), and she delivered a speech on the first day with Zoe Chatters, another key organizer and their main media spokesperson, in order to rally the crowd obstructing the display. She and Zoe were also assisted by Brian Steele, a non-student who created the Facebook event for the counterprotest and who helped them lead chants with a megaphone. She knowingly ignored VAPS warnings about disrupting our event, and encouraged others to do the same.

Since the event we have used social media to ID nearly 100 participants in this disruptive counter-protest, which was at least partially successful in stopping community members from engaging with our display and our volunteers. They literally encircled our entire display at certain points of the day, making

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Witness Signature <i>Amberlee Nicol</i>		Date <b>2015   01B1   10</b>	Time <b>5:49pm</b>	Page <b>2</b> of <b>2</b>
Taken by: No. <b>17601</b> Name <b>M. Teron</b>		Signature <i>M. Teron</i>		Date <b>2015   01B1   11</b> Time <b>1648</b>

**ORIGINAL**



**University of Alberta  
Protective Services**

11390-87 Avenue, Edmonton, Alberta, Canada T6G 2R5 | 780-492-5050

File Number <b>65-577</b>
Police File Number

**WITNESS STATEMENT**

Type of Occurrence <b>Comalacant's University</b>		Location		Date <b>2015   03   03 / 04</b>	
Last Name <b>Nicol</b>		Given Names <b>Ambedee Robin</b>		Date of Birth YYYY   MM   DD	
<input type="checkbox"/> NO AFFILIATION <input type="checkbox"/> ACADEMIC STAFF <input type="checkbox"/> STUDENT <input type="checkbox"/> SUPPORT STAFF		UofA Faculty/Department		UofA Title	
Home Address (Street / City / Province / Postal Code)				Home Phone	
Work Address (Building/Room Number/Address)				Work Phone	

me and other volunteers feel intimidated. There were also university staff members participating in the protest representing the Non-Academic Staff Association (NASA), as evidenced by the logo-emblazoned flags they were waving. NASA's president posted photos of himself and other staffers at the counter-protest, expressing support for the actions of the protesters. I found it very troubling that not only were students trying to intimidate us and obstruct our event, employees of the university were also encouraging and participating in the disruption in a seemingly official capacity.

Furthermore, while I do not know whether or not they participated in the disruption directly, two different professors, Dr. Christina Stasia and Dr. Kristopher Wells, aided and encouraged the individuals who coordinated the counter-protest, with Dr. Wells advising them on ideas for using the protest as a fund-raising opportunity, and Dr. Stasia passed along info about the protest to her students, as well as invited protest coordinators to come to her class in order to promote their plans to her students. It makes it appear like both Dr. Wells and Dr. Stasia were condoning what was done to us.

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Witness Signature <i>Ambedee Nicol</i>		Date <b>2015   03   03</b>	Time <b>1:49 pm</b>	Page <b>3</b> of <b>6</b>
Taken by: No. <b>2601</b> Name <b>M. TERON</b>		Signature <i>M. Teron</i>		Date <b>2015   03   19</b>
				Time <b>1747</b>

ORIGINAL

070

Attachment #1



University of Alberta  
Protective Services

11390-87 Avenue, Edmonton, Alberta, Canada T6G 2R5 | 780-492-5050

File Number  
15-577

Police File Number

WITNESS STATEMENT

Type of Occurrence <i>Complaints University</i>		Location		Date <i>2015 03 03/04</i>	
Last Name <i>Nicol</i>		Given Names <i>Amberlee Robin</i>		Date of Birth YYYY MM DD	
<input type="checkbox"/> NO AFFILIATION <input type="checkbox"/> ACADEMIC STAFF <input type="checkbox"/> STUDENT <input type="checkbox"/> SUPPORT STAFF		UofA Faculty/Department		UofA Title	
Home Address (Street / City / Province / Postal Code)				Home Phone	
Work Address (Building/Room Number/Address)				Work Phone	

To expand on the offenses of the three main organizers of the disruption, namely Claire, Zoe, and Brian, we believe them to be violating the following portions of the university's code of student conduct:

Claire Edwards - 30.3.4(1)c, 30.3.6(5) - helped, encouraged people to break the law  
30.3.4(1)b + obstructing university-activities, university-related functions  
30.3.4(6)c - for creating a mob, refusing to disperse  
or 30.3.6(2)d - harassment, for following, harassing volunteers  
30.3.4(6)a<sup>2</sup> - mischief

Zoe Chafors - 30.3.4(1)c, 30.3.6(5), 30.3.4(1)b, 30.3.4(6)c, 30.3.4(6)a  
(for the same reasons listed for Claire, minus harassment)

Brian Steele - same offenses as Zoe, for the same reasons

We would like the rest of the obstructors to be punished for violating 30.3.4(1)b, 30.3.4(6)c, [redacted], 30.3.6(2)a.

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Witness Signature <i>Amberlee Nicol</i>		Date <i>2015 03 03</i>	Time <i>5:47 pm</i>	Page <i>4</i> of <i>6</i>
Taken by: No. <i>12601</i> Name <i>M. TIRON</i>		Signature <i>M. Tiron</i>		Date <i>2015 03 03</i> Time <i>1750</i>

ORIGINAL

071



University of Alberta  
Protective Services

11390-87 Avenue, Edmonton, Alberta, Canada T6G 2R5 | 780-492-5050

File Number  
15-577  
Police File Number

WITNESS STATEMENT

Type of Occurrence <i>Complaints University</i>		Location		Date <i>2015   10.13   03/04</i>	
Last Name <i>NIGI</i>		Given Names <i>Amberlee Robin</i>		Date of Birth YYYY   MM   DD	
<input type="checkbox"/> NO AFFILIATION <input type="checkbox"/> ACADEMIC STAFF <input type="checkbox"/> STUDENT <input type="checkbox"/> SUPPORT STAFF		UofA Faculty/Department		UofA Title	
Home Address (Street / City / Province / Postal Code)				Home Phone	
Work Address (Building/Room Number/Address)				Work Phone	

For Claire Edwards, we would like to see her expelled from the university, because she has demonstrated a willingness to defy VAPS and to harass and intimidate pro-lifers on campus, making this an unsafe space for me and my club to hold events and express opinions freely on campus. As students we should not have to be afraid that any time we dare express our opinions on campus, Claire will organize another mob of 100+ people that will knowingly break the law in order to silence us. As demonstrated by her willingness to commit these acts in spite of multiple warnings from VAPS, both in relation to this event and in relation to her destruction of our posters, it seems clear that she will continue to break laws and regulations in order to attack our club.

Because Brian Steele is not a student, and has chosen to disrupt campus activities and break laws and university regulations, we would like to see him banned from campus for helping orchestrate and carry out this disruptive behavior.

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Witness Signature <i>Amberlee Robin</i>		Date <i>2015   10.13   11/11</i>	Time <i>5:49pm</i>	Page <u>5</u> of <u>6</u>
Taken by: No. <i>12601</i> Name <i>M. Teron</i>	Signature <i>M. Teron</i>	Date <i>2015   10.13   11/11</i>	Time <i>1751</i>	

ORIGINAL



**University of Alberta  
Protective Services**

11390-87 Avenue, Edmonton, Alberta, Canada T6G 2R5 | 780-492-5050

File Number

15-577

Police File Number

**WITNESS STATEMENT**

Type of Occurrence <i>Complaints University.</i>		Location		Date <i>2015 01/31 05/07</i>	
Last Name <i>Nicol</i>		Given Names <i>Amberlee Rob'n</i>		Date of Birth YYYY MM DD	
<input type="checkbox"/> NO AFFILIATION <input type="checkbox"/> ACADEMIC STAFF <input type="checkbox"/> STUDENT <input type="checkbox"/> SUPPORT STAFF		UofA Faculty/Department		UofA Title	
Home Address (Street / City / Province / Postal Code)				Home Phone	
Work Address (Building/Room Number/Address)				Work Phone	

Because Zoe Chaytors to our knowledge, has not had a previous offense in this area, but has still behaved in an illegal and disruptive fashion by openly organizing, representing, and participating in this lawless behavior, we would like to see her assigned community service hours as punishment, as well as a written letter of apology addressed to our club.

For the rest of the contributors to and participants in the disruption and obstruction of our display, we would also like each offender to issue a letter of apology addressed to the club. We would also like the university to take action in order to reprimand employees of theirs who have behaved inappropriately in relation to this ~~matter~~ matter.

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Witness Signature <i>Amberlee Nicol</i>		Date <i>2015 01/31</i>	Time <i>15:49</i>	Page <u>6</u> of <u>6</u>
Taken by: No. <i>12601</i> Name <i>M. JERON</i>		Signature <i>M. Jeron</i>		Date <i>2015 01/31</i> Time <i>1749</i>

ORIGINAL

073

Case # :

IR2015-000577\_1



University of Alberta  
PROTECTIVE SERVICES  
11390-87 AVENUE  
EDMONTON, AB, T6G 2R5

Follow Up

Reported By: FRASER, L. INVESTIGATOR W030590

Parent Report Information

Report Type	Reference Number	Tracking Number
Incident Report	IR2015-000577	145761
Report Recorder	Report Disposition	
TERON, M. P/O 12601	NOT CLEARED - STILL UNDER INVESTIGATION	

Follow Up Information

Report Disposition  
CONCLUDED - NO  
FURTHER ACTION  
REQUIRED OR TAKEN

Synopsis  
Complaints and/or concerns with respect to the protesters at the Quad on 2015MAR03 and 2015MAR04 event held by the Go-Life student group.

Narrative text

SUMMARY:

UAPS received several complaints and/or concerns in regards to the protesters that had attended the Go-Life Club, UofA registered student group event, that was held in Quad, on 2015MAR03 and 2015MAR04. The complaints and/or concerns were previously documented in the special event UAPS file 2015-0521; the incidents/complaints with respect to the protesters have been documented and/or outlined as mentioned below. Additionally, UAPS received a formal complaint from the Go-Life Club, UofA registered students group members, Ms. NICOL, Mr. WILSON, Ms. OWEN. Their complaint concerned the actions of the alleged identified protesters that had attended the Go-Life Club event in quad; file 2015-0577 refers.

Incident/Complaint #1:

On 2015MAR03, at 1008hrs, the Go-Life student group erected their displays in Quad. Shortly after, the protester / demonstrator group left the designated area behind their designated barricades and stood (side by side) around the north and south perimeter of the Go-Life display site. The Incident Command Center was advised. At this same time, members of the Go-Life student group complained of the proximity of the protesters in relation to their signage and displays.

At 1016hrs, P/O PURKESS spoke to Ms. CHAYTORS (UofA Student / Protester) and advised her that UAPS was formally requesting that the protester/demonstrator group return to the designated protest area behind the barriers. It was explained that Code of Student Behaviour and/or other UAPS/EPS action may take place for non-compliance. Ms. CHAYTORS proceeded to make an announcement to the protester/demonstrator group. She informed the group that we had requested they move back and that there could be consequence (COSB or other) for non-compliance. Following her announcement, the protester/demonstrator group refused to return to the designated protest area and remained against the Go-Life perimeter fencing. At this time and/or shortly thereafter, the protester/demonstrator group who refused to comply by returning to the designated protest area, were not individually identified.

Incident/Complaint #2:

At 1025hrs, P/O PURKESS spoke with Mr. Cameron WILSON (UofA student and Go-Life Club organizer), regarding the protesters surrounding their displays. Mr. WILSON stated what the demonstrators were doing was illegal and that he would be contacting their

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legal counsel. A/Insp. ROTH explained to Mr. WILSON that UAPS actions were based on safety and resources. EPS Sgt. DONALD was involved and present for the conversation with Mr. WILSON.

At 1305hrs, P/O PURKESS spoke with Ms. CHAYTORS and informed her that UAPS would be communicating to her group (protesters/demonstrators) that they had to return to the designated protest location. Ms. CHAYTORS acknowledged what P/O PURKESS said, but advised it was unlikely anyone would move.

At 1312hrs, an official message (see File 2015-0521, Attachment #5) to the demonstrators was read at three different locations around the site.

At 1348hrs, the official message to the demonstrators was read at three different locations around the site.

**Incident/Complaint #3:**

On 2015MAR04 at 0910hrs, P/O PURKESS spoke with Ms. EDWARDS (UofA Student) and requested her group (protester/demonstrator) stay in the designated protest area, and was again advised that blocking the display was a violation under the COSB.

At 0955hrs, protesters / demonstrators began assembling around the Go-Life display site, as the Go-Life group members began to assemble their displays (same ones as displayed on 2015MAR03).

**Incident/Complaint #4:**

At 1030hrs, P/O PURKESS observed a protester / demonstrator in very close proximity to a Go-Life group member, in an apparent effort to stop the Go-Life group member from filming. P/O PURKESS acted quickly and informed the protester / demonstrator that he must keep a reasonable distance from the Go-Life group member, and that it was a public place so she was able to film.

**Incident/Complaint #5:**

At 1039hrs, the official message to the protesters / demonstrators was read in two different locations at the site. The protesters / demonstrators group remained outside of the designated protest area and therefore did not comply with the request to return to the designated area.

At 1154hrs, the official message to the demonstrators was read in two different locations at the site. The protester / demonstrator group did not comply.

At 1302hrs, the official message to the demonstrators was read in two different locations at the site. The protester / demonstrator group did not comply.

At 1409hrs, the official message to the demonstrators was read in two different locations at the site. The protester / demonstrator group did not comply.

At 1546hrs, A/Insp. ROTH reported that he spoke with a female who was not identified but believed to be Ms. POWER (see File 2015-0521, Par. #50 (h)). The female asked to have everyone removed from in front of the Go-Life signs to assist in her and others to view the displays. A/Insp. ROTH offered to provide her a safe escort to go view the images but she declined. It should be noted that another UAPS member working at the site informed me that the same female approached him with the same concerns and that he personally escorted her into the site to view the displays/images.

**Incident/Complaint #6:**

At 1559hrs, 2015MAR04, UAPS dispatch received a telephone complaint from Ms. POWER regarding not being able to access the Go-Life display (File 2015-0521, par. 46 refers). Ms. POWER complained about the noise from the protester/demonstrator group, and stated that her rights were violated because she could not easily view the images. Ms. POWER also requested contact information for the UofA President, and was directed to the UofA website.

During the Go-Life event on 2015MAR03 and 2015MAR04, there were no arrests or charges laid for any provincial or federal law infractions. No person(s) were removed or ejected from the area. Additional special duty UAPS and/or EPS members were required to assist with the two day event.

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Additionally; file 2015-0521 contained three written correspondence letters from Mr. CARPAY (President, Justice Centre for Constitutional Freedoms). The letters from Mr. CARPAY are dated 2015MAR02, 2015MAR04 and 2015MAR13; Mr. CARPAY stated he was writing on behalf of the Go-Life, a University of Alberta, campus club. Mr. CARPAY's letters addressed concerns which had been expressed to him by the University Go-Life club; please reference the letters as to the specifics mentioned.

## PROPERTY:

1. None.

## INVESTIGATION:

1. On 2015MAR16, UAPS A/Insp. ROTH generated UAPS file 2015-0577-1; as the investigative follow up report for complaints against/concerning the protester / demonstrator group that were present at the Go-Life student group in Quad, on 2015MAR03 and 2015MAR04. A/Insp. ROTH assigned me to conduct a Code investigation into these alleged complaints. However; prior unrelated UAPS reports that involved violence and/or immediate safety concerns were deemed a priority, and that this investigation would not take priority over the files mentioned.
2. On 2015MAR31, I reviewed the UAPS file 2015-0521 "after incident narrative" and captured the incidents/complaints regarding the protester / demonstrator group to whom opposed the Go-Life student group/display. As a result of the review, I've captured and/or outlined the incidents and/or complaints that were related to the two day event in the above captioned summary.
3. As previously mentioned in the summary; Ms. NICOL, Mr. WILSON and Ms. OWEN had filed a formal complaint to UAPS on 2015MAR11, concerning the protesters and their alleged activities at the Go-Life event. Ms. NICOL provided a written witness statement to UAPS that outlined the Student Groups (Go-Life) concerns. I read Ms. NICOL's written statement, and I learned the following information:
  - a) Ms. NICOL stated the morning of 2015MAR03, the Go-Life club had set up their display in Quad at approximately 0930hrs. Ms. NICOL stated the club had acquired permission from the University to hold the two day event in Quad.
  - b) Ms. NICOL stated that she had observed / read social media information that several students were planning on obstructing the Go-Life display with signs, banners and bed sheets, so that, others would not be able to see their display. Ms. NICOL stated "we" notified UAPS about the potential disruption prior to the event occurring. However, Ms. NICOL stated as soon as their display had been set up in Quad, a large group of protesters had surrounded their display and the protesters refused to move. Ms. NICOL stated the protesters surrounding their display, prevented others from viewing their display.
  - c) Ms. NICOL stated individuals came and went from the event throughout the day, the crowd itself remained at the event until the Go-Life club removed their display at approximately 1530hrs.
  - d) Ms. NICOL stated the same events occurred at the exact same time when the did the Go-Life club display on 2015MAR04.
  - e) Ms. NICOL stated the protesters had physically obstructed their display and the protesters were chanting and singing, intentionally disrupting the conversations that Go-Life club volunteers were having with onlookers. Ms. NICOL stated the protesters tried to scare people away from their volunteers by the protesters stating things like "don't talk to them" or "don't take their pamphlets".
  - f) Ms. NICOL stated the Go-Life club discovered that the main organizer of the protester group was a UofA student, Ms. Claire EDWARDS. Ms. NICOL stated Ms. EDWARDS had targeted the Go-Life club in the past, by destroying Go-Life posters that advertised their club events and Ms. EDWARDS encouraged others to do likewise.
  - g) Ms. NICOL stated Ms. EDWARDS was one of the persons who obstructed the Go-Life

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display by blocking the display. Ms. EDWARDS also coordinated the rotation of the signs of the protesters at the event. Ms. EDWARDS followed the Go-Life volunteers with a hand held sign in an attempt to disrupt the volunteers attempts to engage others. Ms. EDWARDS delivered a speech on the first day with Ms. Zoe CHAYTORS, another key protest organizer, and the protesters, main media spokesperson.

- h) Ms. NICOL stated Ms. EDWARDS and Ms. CHAYTORS were also assisted by Mr. Brian STEELE, a non student, who created the Facebook event for the protesters and he helped them lead the protesters to chant, by him using a megaphone.
- i) Ms. NICOL stated that Ms. EDWARDS knowingly ignored UAPS warnings concerning the disruption of the Go-Life club event and Ms. EDWARDS encouraged others to do the same.
- j) Ms. NICOL stated that since the Quad event, the Go-Life club had utilized social media to identify nearly 100 participants who were protesting and disrupting the event. Ms. NICOL stated that the protesters were partially successful in stopping the community members from engaging with their display and their volunteers. The protesters literally circled their entire display at certain points of the day, that caused Ms. NICOL and "other" Go-Life volunteers to feel intimidated.
- k) Ms. NICOL stated there were university staff members participating in the protest and those persons allegedly were representing the non-academic staff association (NASA), as they were waving the logo emblazoned flags.
- l) Ms. NICOL stated the NASA's president posted photo's of himself and other staff members at the protest, expressing support for the actions of the protesters.
- m) Ms. NICOL stated that she found it troubling that not only the student protesters were trying to intimidate and obstruct the Go-Life club event, but employees of the University were also encouraging and participating in the disruption in a seemingly official capacity.
- n) Ms. NICOL stated two university professors, Dr. Christina STASIA and Dr. Kristopher WELLS aided and encouraged the individuals who coordinated the protest; Ms. NICOL did not know whether or not if they participated in the disruption; directly. Ms. NICOL stated Dr. WELLS advised "them" on ideas for using the protest as a fund raising opportunity, and Dr. STASIA passed along information about the protest to her students, as well, as invited protest coordinators to come to her class in order to promote their plans to her students.
- o) Ms. NICOL stated that it appeared to her that both Dr. WELLS and Dr. STASIA were condoning what the protesters were doing to the Go-Life club event.
- p) Ms. NICOL stated she and the Go-Life club believe the three main protest organizers at the Go-Life event are responsible for the disruption, are; Ms. EDWARDS, Ms. CHAYTORS and Mr. STEELE (non UofA affiliate).
- q) Ms. NICOL stated that she and the Go-Life club believe that these three persons are responsible for violating the COSB, as follows:
- i. Ms. EDWARDS: 30.3.4(1)c and 30.3.6(5) - helped, encouraged people to break the law.
    - 30.3.4(1)b - obstructing university activity, university related function.
    - 30.3.4(6)c - created a mob, refusing to disperse.
    - 30.3.6(2)d - harassment, for following, harassing volunteers
    - 30.3.4(6)a - mischief
  - ii. Ms. CHAYTORS: 30.3.4(1)c
    - 30.3.6(5)
    - 30.3.4(1)b
    - 30.3.4(6)c
    - 30.3.4(6)a

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iii. Mr. STEELE: Same COSB violations as Ms. CHAYTORS.

iv. Other Protesters: 30.3.4(1)b  
30.3.4(6)c  
30.3.6(2)a

- r. Ms. NICOL stated she and the Go-Life club would like to see Ms. EDWARDS being expelled from the UofA as Ms. EDWARDS demonstrated a willingness to defy UAPS; harass and intimidate Go-Life persons on campus; created an unsafe space where a sanctioned event was held; prohibited Go-Life club from expressing their opinion on campus; Go-Life club members are students and they should not have to be afraid; Ms. EDWARDS will organize other mob demonstrations and knowingly break the rules and/or laws in order to silence the Go-Life club; Ms. EDWARDS demonstrated her willingness to commit these acts in spite of numerous warnings by UAPS, both in relation to the event and in her destruction of Go-Life posters.
- s. Ms. NICOL stated Mr. STEELE is not a student, he disrupted campus activities, he broke laws and university regulations, Ms. NICOL and Go-Life club would like to see Mr. STEELE banned from the UofA campus property for aiding, orchestrating and carrying out the disruptive behavior.
- t. Ms. NICOL stated Ms. CHAYTORS to her knowledge and the Go-Life club's knowledge had no previous offence in this area, but Ms. CHAYTORS behaved in an illegal and disruptive fashion by openly organizing, representing and participating in the lawless behaviour at the Go-Life event. Ms. NICOL and Go-Life club would like to see Ms. CHAYTORS to be assigned community service hours and to write a letter of apology to their club for her inappropriate actions at the event.
- u) Ms. NICOL stated she and the Go-Life club would like the "other" contributors and participates in the disruption and obstruction of their display to write a letter of apology to the Go-Life club.
- v) Ms. NICOL stated she and the Go-Life club would like the university to take action and/or reprimand the university employees, who behaved inappropriately, at the Go-Life event.
4. On 2015APR01 at 1234hrs, I sent correspondence via email to Ms. NICOL, Mr. WILSON and Ms. OWEN; the correspondence explained the untimely delay in being able to initiate this investigation, prior to this date. I explained to them that UAPS had received numerous complaints in relation to their two day Go-Life Quad event; complaints concerning the actions of the protesters at the event; complainants in relation to the Go-Life club event itself and the Go-Life club members. I explained to them what would and/or may be expected from them if a COSB investigation and/or process was to occur. I explained to them that I would be awaiting their decision prior to taking any action regarding their complaint that had been made to UAPS.
5. On 2015APR10, I received correspondence via email from UAPS A/Insp. ROTH that indicated while I was on leave (2015APR03 - 2015APR12), Ms. NICOL (President of the Go-Life club) and Mr. WILSON had attended the UAPS office on 2015APR10, asking for an update on their report made to UAPS. UAPS A/Insp. ROTH advised he nor they were certain as to which file (2015-0350\_1 or 2015-0577\_1) that they were referring. A/Insp. ROTH had explained to them that both files were still under investigation and that I would be back the following week and he would ask me to reach out to Ms. NICOL to answer any questions that she had.
6. On Tuesday, 2015APR14, I sent correspondence via email to Ms. NICOL and Mr. WILSON where I explained to them that I learned they had attended the UAPS office seeking an update. I explained to them that the investigations were ongoing, and that once when the investigations have been completed, I would contact/notify them of the outcome. I explained to them that I am not able to provide them with a time line; due to the number of complaints that had been received. I explained to them that if they have new information to share with me concerning their report, that I would be happy to schedule a meeting with them to acquire that information. I explained to them that if they have any concerns that I had not addressed in the correspondence and/or previous correspondence that I had sent to them, that I would be happy to discuss with them.
7. At 1300hrs, I had a scheduled meeting at the UAPS office with Ms. OWEN regarding file 2015-0350\_1; to acquire a written

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witness statement from Ms. OWEN in relation to that report. During the initial verbal preamble of that meeting, Ms. OWEN stated that Ms. NICOL and Mr. WILSON would be attending the UAPS office and that once when they arrive, she would like them to join our meeting. At that time and/or shortly thereafter when Ms. OWEN stated this to me, I learned Ms. NICOL and Mr. WILSON had arrived at the UAPS lobby; both subsequently were invited to join Ms. OWEN and I, in the interview room.

8. Ms. NICOL, Mr. WILSON and Ms. OWEN acknowledged that they had received the previous correspondence I had sent to them and that they wanted to proceed forward with the Code investigation. Mr. WILSON stated to me that he had a question and/or request; Go-Life club would like to be involved in the recommendations against those persons who committed violations when the investigation is completed. I explained to Mr. WILSON that the decision or decision not to charge a student(s) under the Code for a non academic offence; the decision rests with the Director of UAPS. Mr. WILSON stated that the Code also allows for students to be consulted and/or able to provide their input for recommendations. I explained to Mr. WILSON that I was not familiar with this provision and asked him to reference the area in the Code that allowed this opportunity. Mr. WILSON referenced Code section 30.1.1(2)a that prompted me to review/read the section. I explained to Mr. WILSON that the section references that a student and/or complainant is to be consulted before any "informal resolution" of any relevant charge against the Student is proposed to the Student. Once I brought "informal resolution" to Mr. WILSON's attention; he acknowledged that the decision rests with the Director of UAPS. Ms. NICOL, Mr. WILSON and Ms. OWEN had no further new information to add to their previous report made to UAPS. Ms. NICOL stated that I can reference/access the internet site link that she and/or Go-Life club had created which contains a series of photos, videos of the event, as well, as Facebook screen shots posted by persons who participated in the protest (the link is mentioned in UAPS report 2015-0577).

9. On Thursday, 2015APR16, I attempted to access the link that Ms. NICOL had provided to UAPS; however, I was unable to access the said link. Subsequently, I sent correspondence via email to Ms. NICOL and requested that she electronically provide me with the link. Ms. NICOL replied to my correspondence and provided me the link:

[https://drive.google.com/folderview?](https://drive.google.com/folderview?id=0B1L2jDxjHgm_f19ivnR4dVdsTTF2U1dudF9sa2Q2M2RnbUF6c3FacW9uYIBSbm11UF9kdW8&usp=sharing)

[id=0B1L2jDxjHgm\\_f19ivnR4dVdsTTF2U1dudF9sa2Q2M2RnbUF6c3FacW9uYIBSbm11UF9kdW8&usp=sharing](https://drive.google.com/folderview?id=0B1L2jDxjHgm_f19ivnR4dVdsTTF2U1dudF9sa2Q2M2RnbUF6c3FacW9uYIBSbm11UF9kdW8&usp=sharing)

10. I accessed the link that Ms. NICOL had provided, the link contained numerous folders that the Go-Life club had allegedly identified the protesters / demonstrators that were at the two day event. The link identified the name of the alleged protester/demonstrator and what evidence the club had acquired on each individual (digital image(s), video recording(s) and screen shots of Facebook message(s)). The link identified the following individuals as "Organizers, University Employees, Member of Parliament":

Mr. Brian STEELE (non UofA affiliate)  
 Ms. Claire EDWARDS (UofA Student)  
 Ms. Zoe CHAYTORS (UofA Student)  
 Dr. Christina STASIA (UofA professor)  
 Dr. Kristopher WELLS (UofA professor)  
 Ms. Linda DUNCAN (Member of Parliament)  
 Two non identified images of alleged NASA employees.  
 Mr. Rod LOYOLA (NASA President)  
 Ms. Paige GORSAK (UofA Student)  
 Ms. Telsa COURTNEY (UofA Student)

The link also allegedly identified 102 individuals that are in addition to the above mentioned persons, who were allegedly protesters/demonstrators at the Go-Life event; Go-Life club members also provided what they perceived as evidence that each person mentioned was a protester/demonstrator at the event.

11. On Monday, 2015APR20, I sent a request for A/Director BERRY to review the report in order to determine the next steps to be taken concerning the Code investigation regarding the alleged inappropriate actions of the protesters / demonstrators. A/Director BERRY advised that the direction on this investigation will be delayed to seek the opinion of the newly appointed Director, Mr. GALVIN.

12. On Wednesday, 2015MAY27, a case/file conference meeting had been convened with Director GALVIN, Supt. BERRY,

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A/Insp. ROTH, Sgt. LARSON and Sgt. THOMSEN; to discuss the report and the next steps, in conjunction, with other ongoing/active code investigations. Unfortunately, due to time allotment, the case/file conference meeting pertaining to this investigation was tabled to next case/file conference meeting, due to insufficient time allotment to properly discuss all active investigations.

13. On Monday, 2015JUN16, a case/file conference meeting had been convened, during the meeting, this file 2015-0606 and 2015-0577 were discussed in detail. As a result of the meeting, the direction forward had been proposed that UAPS investigation would focus on the disruption caused by the protesters/demonstrators at the two day event. The disruption being, when UAPS read the "official warning" to the protesters who were present at the time, each protester, would have been in violation of causing a disruption under the Code, when the protester had failed to return to the designated area/space that had been made available to them, at the location.

14. Later, after the meeting, I determined that the present investigation had not identified the protester, who would have been in violation, when UAPS had read the "official warning" to the protesters. Had UAPS read the official warning to the protesters and then positively identified the protesters who failed to comply with the official warning, the present concern would have been solved. However, since that did not occur, the only means of moving forward with a disruption investigation, would be to contact and invite each alleged, not positively identified protector, to meet with UAPS to determine if they will participate in a Code investigation, then in their witness statement, determine if they were present when an official warning had been read and did the protester comply or not with the official warning. This would be a cumbersome endeavor; should a decision be made to proceed in that direction.

RECOMMENDATIONS:

- 1. UAPS A/Director to coordinate meeting with General Counsel's Office and the Office of the Dean of Students; to determine next steps.
- 2. Go-Life Club complainants; to be notified of UAPS recommendation; when it is determined and/or known, when report is to be completed.

ATTACHMENTS:

- 1. Correspondence sent and received to the complainants; Go-Life Club (4 pages).
- 2. Correspondence received from Ms. OLTEAN; that she had received from Mr. CARPAY (15 pages).

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<b>Signature</b>	<b>Reviewed By/Date</b> ROTH, M. P/O SGT 11564 2015/07/09 1339	

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2015-0577-1 ATTA NUMBER



Lawrence Fraser <laf1@ualberta.ca>

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**UAPS (File 2015-0577)**

1 message

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Lawrence Fraser <laf1@ualberta.ca>

1 April 2015 at 12:34

Bcc: Cameron Wilson <crwilson@ualberta.ca>, Amberlee Nicol <amberlee@ualberta.ca>, Kianna Owen <kianna1@ualberta.ca>

Good afternoon Everyone!

I would like to introduce myself to you; I am the investigator for Protective Services. The reason why I am contacting you today is pertaining to the Go-Life event that was previously held in Quad on March 3rd and 4th, 2015.

As a result of the two day Go-Life event on March 3rd and 4th; UAPS and other university entities previously received initial information from individuals and/or student group(s) who expressed their concern(s); the concerns referenced the actions of the protestors that attended the two day event, the actions of the Go-Life Student Group at the event, and/or the Go-Life event in itself.

Firstly, let me apologize to you, by not reaching out to you well before today! To explain, UAPS received numerous complaints regarding the event; as previously mentioned. UAPS has one Code investigator; that person is myself! As you can image, I had other unrelated Code investigations that had been previously reported to UAPS prior, during, and after the Go-Life event. Some of those unrelated Code investigations involved violence, the threat of imminent violence and/or immediate safety issues/concerns. I hope that you can understand; that those investigations required my immediate attention and unfortunately, this matter and other unrelated Code investigations had to be delayed to allow the "priority concern" investigations to be addressed. Again, my sincere apologies to you, for the untimely delay!

Next, I've BCC this correspondence to everyone, to protect everyone from being identified as a complainant, or initial complainant.

Now, I would like to provide you with information that may assist you in determining what are the next steps with respect to your concern regarding the Go-Life event and/or the protestors that attended the event and/or whatever other concerns that related to the event, held in Quad on March 3rd and 4th, 2015.

a) If you do not want a Code of Student Behaviour investigation to be conducted; UAPS will document your concern in my investigative report; once when the investigation is complete; UAPS will share their investigative report with the Office of the Dean of Student's and/or any other University entity that is involved and/or needs to be aware of the concerns that have been brought forward to UAPS.

b) If you wish to make a formal complaint regarding your concern; UAPS (myself) will be pleased to investigate your complaint. In order for UAPS to investigate a complaint, we require a formal complaint to be filed; which requires the complainant to provide us with their written witness statement. I should mention, participation in a Code investigation, whether the person is a complainant, witness and/or the subject of complaint; their participation in the investigation is voluntary, which includes any Code process that may follow the investigation. Having said that, for the investigation component / phase, your participation would entail a meeting with me to acquire your written witness statement and during the meeting it would also include an interview; where I will attempt to acquire any further information from you that may not be included in your written witness statement. Ordinarily, that may complete your involvement in the investigative phase; however, should a Code process follow the completion of the investigation (meaning Code charge(s)) I should further explain what may be required of you.

If a Code process was to occur, you may be asked to have a meeting with the assigned discipline officer; the discipline officer is the "decision maker" concerning a student being charged with Code violation(s). The purpose of a meeting with the discipline officer, should such a meeting be required by the discipline officer would be for the discipline officer to acquire clarity concerning

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information that you previously provided to UAPS and/or attempt to determine if you have any additional information that may/was not reported to UAPS.

Finally, if the discipline officer finds the charged student and/or group responsible for the alleged Code violation(s), the individual charged and/or student group; can appeal the decision. If an appeal was filed and granted; anyone with information concerning the matter would be asked to attend an appeal hearing at the University, where the decision maker in that process would be the "University Appeal Board". Therefore, if an appeal process was to occur; you may be asked to appear at that hearing for the purpose of providing the board the information that is relevant to you concerning the matter.

I truly hope that I have not caused you any confusion by this information; my intention is to inform you to enable you to make an informed decision with regards to next steps. That being said, if you require further information and/or clarification, please feel free to contact me directly and ask those questions, or, if you know the direction and/or next steps that you wish to take, please advise me of your wishes (record the information with no expectation of a code investigation and/or proceed forward with a formal complaint).

I shall look forward to your decision and/or wishes. If you would like to discuss this further with me; please call me directly at (780) 221-7259.

Best regards,  
Lawrence Fraser  
Investigator

University of Alberta Protective Services  
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Edmonton, AB  
Canada T6G 2R5  
Cell: (780) 221-7259  
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Lawrence Fraser <laf1@ualberta.ca>

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**Go-Life (15-0350 and 15-0577)**

1 message

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Marcel Roth <marcel.roth@ualberta.ca>  
To: Lawrence Fraser <laf1@ualberta.ca>

10 April 2015 at 14:20

Hi Lawrence,

Hope your vacation was a relaxing one. Enjoy the weekend before we see you again next week.

When you're back can you please contact Amberlee Nicol (the president of the Go Life student group) as she and Cameron attended the office today (Friday, April 10th) asking for an update on their "file".

I wasn't sure (and neither were they) if they were referring to 15-0350\_1 or 15-0577\_1, but explained that both were still under investigation and that you'd be back next week and that I'd ask you to reach out to her to answer any questions she has.

FYI,

Marcel

--  
Sgt. Marcel Roth (Acting Inspector)  
University of Alberta Protective Services  
11390 - 87 Avenue  
Edmonton, AB  
Canada T6G 2R5  
Phone: 780-492-7693  
Fax: 780-492-0793  
marcel.roth@ualberta.ca  
www.protectiveservices.uaiberta.ca

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Lawrence Fraser <laf1@ualberta.ca>

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**UAPS (File 2015-0350 and 2015-0577)**

1 message

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Lawrence Fraser <laf1@ualberta.ca>

14 April 2015 at 11:49

To: Amberlee Nicol <amberlee@ualberta.ca>, Cameron Wilson <crwilson@ualberta.ca>

Good morning Ms. Nicol and Mr. Wilson,

It is my understanding that you both had attended our office on Friday, April 10th, 2015 and had asked for an update on the complaint(s) that had been filed with this office. I've listed both file numbers in the subject heading of this correspondence for your future reference.

During the week of March 30 - April 1st, 2015, I sent correspondence via email to all involved; advising everyone that due to other unrelated investigations that were deemed a "priority" due to they involved violence and/or immediate safety concerns, I was unable to begin working on the Go-Life related files until that time. The correspondence that I had sent at the time explained the delay and I do hope that you both received the correspondence.

All the Go-Life investigations, including the reports that you made to UAPS have all be re-assigned to myself to complete those investigations. Presently, all of the investigations are still ongoing and I am unable at this time to provide any form of an update until such time that the investigation has been completed. Once when the investigations (2) involving the reports that you made to this office have been completed, I assure you, that I will contact you and provide you with the outcome when it is known at that time. I normally would like to provide a timeline as to when this may be completed, but unfortunately it is unrealistic for me to do so in this particular case.

If you have new information that you wish to provide me, I am happy to schedule a meeting with you to acquire that new information.

Please let me know if you have any concerns that I have not addressed in this correspondence and/or the previous correspondence that had been sent; I happy to discuss!

Best regards,

Lawrence Fraser  
Investigator

University of Alberta Protective Services  
11390 - 87 Avenue  
Edmonton, AB  
Canada T6G 2R5  
Cell: (780) 221-7259  
Email: lawrence.fraser@ualberta.ca  
Web: <http://www.protectiveservices.ualberta.ca>

2015-0577-1 Attachment



Lawrence Fraser <laf1@ualberta.ca>

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**Fwd: Go-Life, re: invoice for March 31 event**

3 messages

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Grace Berry <gberry@ualberta.ca>

12 June 2015 at 13:42

To: Kevin Galvin <kgalvin@ualberta.ca>, Lawrence Fraser <lawrence.fraser@ualberta.ca>, "Roth, Marcel" <Marcel.Roth@ualberta.ca>

**Grace Berry**  
Superintendent Corporate Services

Protective Services  
Risk Management Services  
University of Alberta  
11390-87 Avenue  
Edmonton AB Canada T6G 2R5

Tel: 780.492.7693 | Fax: 780.492.0793 | Email: [grace.berry@ualberta.ca](mailto:grace.berry@ualberta.ca)

Please complete this short community survey at <https://www.surveymonkey.com/s/uaps>

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----- Forwarded message -----

From: **Kimberly Marchuk** <[kimberly.marchuk@ualberta.ca](mailto:kimberly.marchuk@ualberta.ca)>

Date: Fri, Jun 12, 2015 at 1:16 PM

Subject: Go-Life, re: invoice for March 31 event

To: John Carpay <[jcarpay@jccf.ca](mailto:jcarpay@jccf.ca)>

Cc: "Amberlee N." <[prolife.ualberta@gmail.com](mailto:prolife.ualberta@gmail.com)>, Kianna Owen <[kianna1@ualberta.ca](mailto:kianna1@ualberta.ca)>, cameron <[cwilson10@live.com](mailto:cwilson10@live.com)>, "R.J.C" <[rjcameron7@gmail.com](mailto:rjcameron7@gmail.com)>, Mathieu Trepanier <[mathieu.trepanier@ualberta.ca](mailto:mathieu.trepanier@ualberta.ca)>, Grace Berry <[grace.berry@ualberta.ca](mailto:grace.berry@ualberta.ca)>

Dear Mr. Carpay,

Please see attached correspondence from Jaxine Oltean.

**Kimberly Marchuk**

Legal Assistant to:

**Brad Hamdon, General Counsel**

**Jaxine Oltean, Senior Legal Counsel**

**Darin McKinley, Legal Counsel**

University of Alberta | Office of General Counsel

3-03 South Academic Building (SAB) | Edmonton, AB | T6G 2G7


Phone: 780-492-8995 | Fax: 780-492-8990 | Email: [kimberly.marchuk@ualberta.ca](mailto:kimberly.marchuk@ualberta.ca)

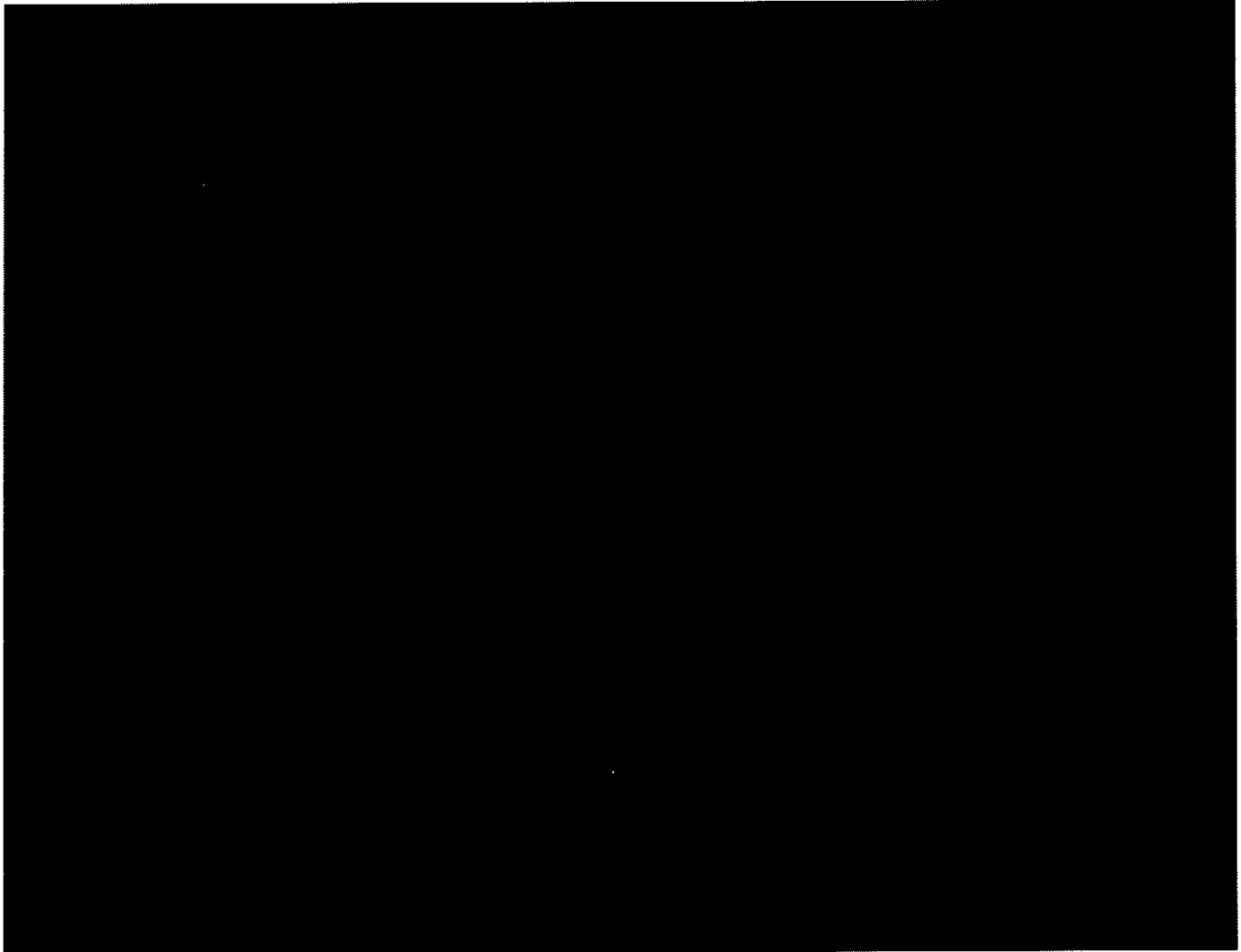
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communicated between a lawyer of the University and any person in relation to a matter involving the provision of legal advice. This communication is subject to solicitor-client privilege, which privilege has not been waived or compromised, and is subject to Section 27(1) of the *Freedom of Information and Protection of Privacy Act*. It is intended for the use of the recipient(s) to which it is addressed. Please contact me immediately if you are not an intended recipient of this communication, and do not copy, distribute, or take action relying on it. Any communication received in error, or subsequent reply, should be deleted or destroyed.

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 Ltr to J.Carpay - June 12-2015.pdf  
30K



----- Forwarded message -----

From: **Kimberly Marchuk** <kimberly.marchuk@ualberta.ca>

Date: Fri, Jun 12, 2015 at 1:16 PM

Subject: Go-Life, re: invoice for March 31 event

To: John Carpay <jcarpay@jccf.ca>

Cc: "Amberlee N." <prolife.ualberta@gmail.com>, Kianna Owen <kianna1@ualberta.ca>, cameron <cwilson10@live.com>, "R.J.C" <rjcameron7@gmail.com>, Mathieu Trepanier <mathieu.trepanier@ualberta.ca>, Grace Berry <grace.berry@ualberta.ca>

Dear Mr. Carpay,

Please see attached correspondence from Jaxine Oltean.

**Kimberly Marchuk**

**Legal Assistant to:**

**Brad Hamdon, General Counsel**

**Jaxine Oltean, Senior Legal Counsel**

**Darin McKinley, Legal Counsel**

University of Alberta | Office of General Counsel

3-03 South Academic Building (SAB) | Edmonton, AB | T6G 2G7

Phone: 780-492-8995 | Fax: 780-492-8990 | Email: kimberly.marchuk@ualberta.ca

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—  
*Jaxine Oltean*

Senior Legal Counsel

University of Alberta | Office of General Counsel


3-03 South Academic Building (SAB) | Edmonton AB | T6G 2G7

Phone (780) 492 - 1237 | Fax (780) 492 - 8990 | Email jaxine.oltean@ualberta.ca

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---

 Ltr to J.Carpay - June 12-2015.pdf  
30K

---

Kevin Galvin <kgalvin@ualberta.ca>

To: Grace Berry <gberry@ualberta.ca>

Cc: Lawrence Fraser <lawrence.fraser@ualberta.ca>, "Roth, Marcel" <Marcel.Roth@ualberta.ca>

12 June 2015 at 18:43

Thank you Grace.

Sent from my iPhone

[Quoted text hidden]

<Ltr to J.Carpay - June 12-2015.pdf>

June 12, 2015

Via email: [jcarpay@jccf.ca](mailto:jcarpay@jccf.ca)

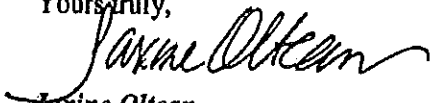
Justice Centre for Constitutional Freedoms  
#253, 7620 Elbow Drive SW  
Calgary, AB T2V 1K2

*Attention: Mr. John Carpay*

Dear Mr. Carpay:

I acknowledge receipt of your 8-page letter which I received at 8:28 p.m. last night via email. We are not able to accede to your request that we provide a response by "close of business" today but will respond in due course.

Yours truly,



**Jaxine Oltean**  
Senior Legal Counsel  
JO/ksm

cc. Amberlee Nicol, Go-Life President  
Kianna Owen  
Cameron Wilson  
R.J. Cameron  
Mathieu Trepanier, Student Event Risk Management Coordinator  
Grace Berry, Acting Director, University of Alberta Protective Services



Lawrence Fraser <laf1@ualberta.ca>

---

**Fwd: letter for Jaxine Oltean from Go-Life, re: invoice for March 31 event**

1 message

---

Grace Berry <gberry@ualberta.ca>

12 June 2015 at 07:22

To: Kevin Galvin <kgalvin@ualberta.ca>

Cc: Lawrence Fraser <lawrence.fraser@ualberta.ca>, "Roth, Marcel" <Marcel.Roth@ualberta.ca>

Good Morning,  
Forwarding for your info at this time noting that I have not connected with Jax as of yet.  
Grace

----- Forwarded message -----

From: John Carpay <jcarpay@jccf.ca>

Date: Thu, Jun 11, 2015 at 8:28 PM

Subject: letter for Jaxine Oltean from Go-Life, re: invoice for March 31 event

To: Jaxine Oltean <jaxine@ualberta.ca>

Cc: "Amberlee N." <prolife.ualberta@gmail.com>, Kianna Owen <kianna1@ualberta.ca>, cameron <cwilson10@live.com>, mathieu.trepanier@ualberta.ca, grace.berry@ualberta.ca, Marty Moore <mmoore@jccf.ca>, "R.J.C" <rjcameron7@gmail.com>

Dear Ms. Oltean,

Please see attached correspondence.

Yours truly,

John Carpay

John Carpay, B.A., LL.B.

President

Justice Centre for Constitutional Freedoms

#253, 7620 Elbow Drive SW

Calgary, Alberta, T2V 1K2

Direct line: 403-619-8014

www.jccf.ca



"Defending the constitutional freedoms of Canadians"

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 2015-06-11 letter from Go-Life re invoice for March 31 event.pdf  
644K



# Justice Centre for Constitutional Freedoms

June 11, 2015

Jaxine Oltean  
Senior Legal Counsel  
University of Alberta  
3-03 South Academic Building (SAB)  
Edmonton, Alberta, T6G 2G7

Dear Ms. Oltean,

**RE: "Special Duty Service" Invoice (March 31, 2015 event of Go-Life campus club)**

I am writing on behalf of Go-Life, a University of Alberta campus club. Go-Life has informed me that they were invoiced \$225.00 for "Special Duty Service" related to their March 31, 2015 classroom event, "Ask a Pro-Lifer". I have advised Go-Life not to pay the invoice, on the basis that this invoice was issued in violation of their rights to freedom of expression and assembly, is contrary to the University of Alberta's own commitment to free expression, and is contrary to the rule of law.

I will expand.

**Unnecessary and unjustified delay in approving Go-Life's March 31 event**

On March 16, 2015, Go-Life applied for a room booking and event approval for its planned March 31 event, in accordance with the University's requirements. The following day, Go-Life received room booking confirmation from the University. Go-Life was not advised, at the time, of any other requirements it needed to fulfill in order to receive event approval. In particular, Go-Life was not directed to complete any further form(s) by the University.

On March 23 (only eight days prior to the event), Go-Life was advised by Mathieu Trepanier, the Student Event Risk Management Coordinator, that before Go-Life's event could be approved, it would have to apply for a "security assessment" from UAPS. Mr. Trepanier did not refer Go-Life to any kind of form or weblink that the University wanted the students to use to make the application and, in fact, the University does not seem to have a form called "security assessment" on its website, which caused confusion and delay on the part of the students, as they tried to comply with this request.

Go-Life had never been required to obtain a "security-assessment" for its previous meetings and events held on campus, and being unable to find a form to use to apply for a "security assessment," the students sought a meeting with Mr. Trepanier to seek direction. Mr. Trepanier was not available to meet with the students until March 26 – ten days after they first applied to hold the event, and a mere five days before the event was to be held.

On March 26, Go-Life was told that security requirements were being imposed on them because their planned event was "controversial." The form they were told to fill out was titled a "Special Duty Request Form," not a "Security Assessment Request" as indicated by the University on March 23. Further, despite the fact that the delay was due to the University's failure to advise Go-Life of the need for this new security procedure, the students were told they could not advertise their event until formal event approval was granted.

Immediately following the March 26 meeting, Go-Life filled out and submitted the form Mr. Trepanier required. It is relevant that this "Special Duty Request Form" completed and submitted by Go-Life on March 26 did not ask for any information that the students had not already submitted to the University in their initial application on March 16. Specifically, on March 16 Go-Life had already informed the University of the event's location, time, date, nature, description, absence of food and liquor, expected attendance and so on. Moreover, ordering Go-Life to submit a request for extra security (without which the University would not allow their event to proceed) is disingenuous, because it was the University's choice – not the choice of Go-Life members – to provide a UAPS staff member and to charge Go-Life for that service. The invoice submitted to Go-Life is a result of the University's demand, not the students' "request".

Having met the University's demand to complete the form, the Go-Life students did not receive a reply until March 31, and this less than two hours prior to the start of their event. This reply from Mr. Trepanier did not consist of approval, but rather a voice-mail left for Amberlee Nicol requesting further discussion. In short, Go-Life did not receive approval from the University to promote and advertise its event prior to the event's commencement – an event which had been requested by Go-Life two weeks earlier. UAPS personnel did ultimately permit the event to proceed, but fewer than ten people attended, because advertising had been prohibited by the University. This last-minute approval was conditional on Go-Life's agreement to pay a UAPS officer to be present at their event. Go-Life agreed to this, but under protest.

Go-Life was not able to change the date of the event, as the speaker, Maaike Rosendal, was coming in from Ontario. Because the "approval" (if Mr. Trepanier's request for further discussions can be construed as such) wasn't granted until minutes prior to the start of the March 31 event, Go-Life was unable to advertise, thereby rendering the event almost meaningless. By insisting that Go-Life complete a form that required information that was already in the University's possession, the University, without reason or cause, prevented Go-Life from advertising its event.

### **Discriminatory treatment of Go-Life by the University**

In my March 27, 2015 letter, I explained that imposing security costs on campus groups which express unpopular opinions violates the rule of law, and is also inconsistent with the University's stated commitment to free speech. Go-Life and its anti-abortion message are not popular at the University of Alberta. The popularity or unpopularity of a campus club's beliefs or message ought to be irrelevant when it comes to upholding the right of students to express their opinions peacefully on campus. It is manifestly unfair that Go-Life's members are subjected to conditions and requirements, such as "security fees," which are not imposed on those who express more popular opinions. Subjecting the expression of unpopular opinion on campus to "security fees" that are not imposed on students wishing to express popular opinions is discriminatory, and contrary to the University's mission to provide learning opportunities and its purpose as a forum for the debate of ideas.

### **Destruction of Go-Life's property condoned by the University**

Throughout the 2014-2015 academic year, other U of A students sought to silence Go-Life's expression by tearing down all of Go-Life's advertising posters, contrary to section 30.3.5(1)a of the *Code of Student Behaviour* (hereafter "*Code*"), which states: "*No Student shall possess, misappropriate, convert, destroy or otherwise damage University property or the property of any other member of the University Community.*" The destruction of another's property is also a *Criminal Code* offense, and should not be taken lightly by the University.

Go-Life has presented UAPS with screen-shots of Facebook postings by U of A students who openly boasted about having torn down Go-Life's posters. Facebook posts by U of A students admitting publicly to having torn down Go-Life's posters are still on the internet today. Yet neither UAPS nor the University has required those who openly admitted to destroying Go-Life's property to pay restitution to Go-Life as authorized by section 30.4.2(12)a, which states that "*Restitution is an order that a Student pays money to one or more of another individual, a corporation, an unincorporated association or other unincorporated group, or the University, as Restitution for damage to or the loss or destruction of any property as the result of the commission of an offence by the Student. The amount of Restitution shall not exceed the replacement cost of the property as of the date that the order is imposed, less the value of any part of the property that has been returned.*"

Why has the University not required those who have admitted to destroying Go-Life's property to pay restitution to Go-Life for the damage they caused?

### **The violation of sections 30.3.4(1)c and 30.3.6(5) of the Code**

On March 3 and 4, 2015, several dozen U of A students, also joined by some non-students, engaged in the physical obstruction and disruption of Go-Life's display on campus, which was a function or activity that had been expressly approved by the University.

Prior to March 3, several U of A students advocated on Facebook for the disruption and obstruction of Go-Life's university-related function, contrary to section 30.3.4(1)c of the *Code*, which states: "*No Student shall use words that incite others to behaviour that is inappropriate to members of the University Community, whether or not in connection with a demonstration, rally or picketing.*" These publicly posted Facebook threats to violate the *Code* were also contrary to section 30.3.6(5) of the *Code*, which states: "*No Student shall counsel or encourage or knowingly aid or assist, directly or indirectly, another person in the commission of any offence under this Code.*"

Go-Life presented these Facebook screenshots to UAPS prior to the March 3 university-related function. If, when UAPS was first presented with these Facebook screenshots prior to March 3, it had commenced disciplinary proceedings against the individuals who violated sections 30.3.4(1)c and 30.3.6(5) of the *Code* (by inciting inappropriate behaviour and by encouraging the commission of violations of the *Code*), it is unlikely that the individuals in question would have proceeded to engage in further violations of the *Code*.

### The violation of section 30.3.4 of the *Code* through disruption and obstruction

On March 3 and 4, several dozen U of A students disrupted and obstructed Go-Life's display, contrary to sections 30.3.4 and 30.2.38 of the *Code*, which state:

#### 30.3.4 Inappropriate Behaviour towards Individuals or Groups

##### 30.3.4(1) Disruption

30.3.4(1) b No Student shall, by action, words, written material, or by any means whatsoever, obstruct University Activities or University-related Functions.

30.3.4(1) c No Student shall use words that incite others to behaviour that is inappropriate to members of the University Community, whether or not in connection with a demonstration, rally or picketing.

30.2.38 University-related Functions. "University-related Functions" include, but are not limited to activities occurring in the course of work or study assignments inside or outside the University; at work or study-related conferences or training sessions; during work or study-related travel; during events such as public lectures, performances, social or sports activities; or over the telephone or computer.

Numerous witnesses can confirm that, during the obstruction of Go-Life's display on campus on March 3 and 4, UAPS staff did not attempt to take down the names or student identification numbers of students who deliberately and publicly violated section 30.3.4 of the *Code*. UAPS refused to exercise the authority granted to it by section 30.3.6(3) of the *Code*, which states: "*No Student shall refuse to provide identification upon request by a University Official or employee acting in the course of that person's duties, provided the University Official or employee has reason to believe the Student is committing, has committed or is about to commit an offence.*"

Further, UAPS did not take photographs of students who violated the *Code*. UAPS thereby engaged in wilful blindness as to deliberate and public violations of the *Code* taking place on campus by U of A students, and put itself into a situation such that it would not be capable of subsequently commencing disciplinary proceedings against those who had violated the *Code*.

It is understandable that UAPS may not have been in a position to arrest and remove those who violated the *Code*, as they were several dozen in number. However, nothing prevented UAPS from photographing these students, approaching students individually, demanding to see each student's identification (as expressly authorized by s. 30.3.6(3) of the *Code*), and pursuing charges for violations of the *Code*. Had UAPS started asking identification of individuals engaged in violating the *Code*, in conjunction with taking their pictures, it is highly likely that other students who were also engaging in misconduct would have ceased their behaviour and left. Even if all the students engaged in this disruption and obstruction had stayed to continue with their misconduct, and had individually provided their identification to UAPS upon demand, UAPS could then have prosecuted these students immediately for violating the *Code*. Instead, UAPS took no meaningful action. UAPS did make oral requests of the *Code*-violators to cease their conduct, but when those requests went unheeded, UAPS did not photograph the students, or ask to see their identification, or inform them that their conduct was in violation of the *Code*, or commence disciplinary proceedings against these students.

Is it the usual and ordinary practice of UAPS to refrain from taking photos of those who violate the *Code*, and to refrain from asking students engaged in misconduct to produce their identification?

On or about March 11, Go-Life members presented UAPS with formal complaints against students who disrupted and obstructed the March 3 and 4 display. The information which Go-Life presented to UAPS, including the identities of students who engaged in disruption and obstruction, as well as the identities of students who publicly advocated for the violation of the *Code* prior to March 3, was information which UAPS could easily have obtained itself, yet it neglected or refused to do so. It was not until UAPS was presented with formal complaints on March 11 that it even began to consider taking action to uphold the *Code*, and UAPS had already put itself into a position where it could not have commenced disciplinary proceedings on its own initiative. A reasonable observer would conclude that UAPS effectively condoned the violation of the *Code* on March 3 and 4, as well as the violation of the *Code* prior to March 3 through the incitement of inappropriate behaviour.

The conduct of these U of A students against Go-Life, in tearing down posters and in disrupting a university-related function on campus, amounts, in our opinion, to bullying, which evidently is not a phenomenon limited to grade school, but appears to be flourishing in post-secondary educational institutions as well. Through the failure of UAPS to take action to support the free expression rights of Go-Life students, the University of Alberta has condoned this bullying.

#### **Criminal conduct condoned by UAPS**

It is worth noting that section 30.3.6(2) of the *Code* states: "*No Student shall engage in conduct that violates any municipal by-law, Provincial or Federal statute or regulation, or University regulation (Rules External to the Code). Conduct that breaches Rules External to the Code shall be deemed to be an offence under this Code and shall be subject to the disciplinary and appeal processes set out in this Code, if the conduct has a real and substantial link to the University, University Activities, the University Community, or University-related Functions, whether or not the conduct occurred on or in relation to University property.*"

Section 430 of the *Criminal Code* prohibits the destruction and damage of property (such as Go-Life's posters), as well as the obstruction and interruption of the lawful use, enjoyment or operation of property. A reasonable and impartial observer would note that Go-Life's campus display was its property, that Go-Life members were lawfully using and operating their property by displaying it for view on campus with the University's approval, and that those who physically obstructed and interrupted Go-Life's display were interfering with the property's lawful use.

#### **Unlawful demand by UAPS that Go-Life members not distribute literature**

During the March 3 and 4 Go-Life function, UAPS personnel requested or demanded that Go-Life members refrain from distributing literature on campus. This demand or request was not made pursuant to any University policy, rule, by-law or regulation and was, accordingly, unlawful. Further, the Alberta Court of Queen's Bench in *R. v. Whatcott*, 2012 ABQB 231, expressly upheld the right of individuals to distribute literature on a university campus, and in that case by someone who was not even a student.

### Go-Life members punished for the misconduct of other students

Assuming it was the violation of the *Code* by Go-Life's opponents on March 3 and 4 which led to the University's decision to demand that Go-Life apply for a "security assessment" and hire a security guard for its March 31 event, then the University was in essence requiring Go-Life to pay hundreds of dollars to guard against the expected or potential misconduct of other students. The University in fact demanded that Go-Life "request security", which is fundamentally different from "requesting a security assessment", as the latter suggests that security may or may not be required.

Go-Life appreciates that the University may appropriately require security payments on account of the nature of some events, such as events that serve alcohol. For example, the form completed by Go-Life members on March 16 inquires whether an event will use hot tubs, trampolines, power tools, or other equipment. However, imposing security fees on the campus activities and events of a student group simply because it wishes to express its opinion on campus in a peaceful manner amounts to *de facto* extortion in respect of a fundamental freedom enjoyed by all citizens. Punishing Go-Life and its members because their expression is unpopular, and because *other students* (i.e. students opposed to Go-Life's message) may choose to violate the *Code*, is manifestly unfair.

### The University's legal obligation to uphold campus free speech

The actions of UAPS and the University in condoning numerous violations of the *Code*, failing to require those who destroyed Go-Life's property to pay restitution to Go-Life, prohibiting Go-Life from advertising its event until minutes before it commenced, demanding that Go-Life members not distribute literature, and extorting "security fees" from students wishing to express an unpopular opinion on campus are indefensible, particularly in light of the University's governing statute, the *Post-secondary Learning Act*, S.A. 2003, c. P-19.5, which states in its preamble:

WHEREAS the Government of Alberta is committed to ensuring that Albertans have the opportunity to enhance their social, cultural and economic well-being through participation in an accessible, responsive and flexible post-secondary system; and

WHEREAS the Government of Alberta is committed to ensuring Albertans have the opportunity to participate in learning opportunities . . . .

Prohibiting controversial expression on campus unless students pay a "security fee" grossly violates the rule of law and the fundamental value of freedom of expression, essential to individuals' participation in learning opportunities. Under the rule of law, administrative decision makers, including University officials, do not have unfettered discretion to act against unpopular groups: *Roncarelli v. Duplessis*, [1959] S.C.R. 121. The University has an obligation to uphold students' rights to freedom of expression, but has instead done the opposite by demanding payment to address the potential misconduct of students who openly publicize their intentions to violate the *Code*, and who then follow through on their threats.

The principles of the rule of law and freedom of expression are fundamental to Canada's free and democratic society, and their violation cannot be overlooked or ignored. The University's issuance of the \$225.00 invoice to Go-Life violates these principles. It is entirely inconsistent with President Samarasekera's February 27, 2015, statement in support of freedom of expression and equality for student groups.

Any additional action taken by the University against Go-Life or any of its members related to the March 31, 2015 event, or in relation to the non-payment of the \$225.00 invoice, will constitute a further violation of their rights, which will be corrected by the Court if necessary. See *Wilson v. University of Calgary*, 2014 ABQB 190; *R. v. Whatcott*, 2012 ABQB 231; and *Pridgen v. University of Calgary*, 2012 ABCA 139.

### Free expression rights are enjoyed by viewers and listeners

It is important to note that freedom of expression protects the right to receive expressive material as much as it does the right to create and disseminate it: *Edmonton Journal v. Alberta (Attorney General)*, [1989] 2 S.C.R. 1326, at pp. 1339-40. *Charter* section 2(b) protects not only speakers, but viewers, listeners, readers and recipients as well. See: *Ford v. Quebec (Attorney General)*, [1988] 2 SCR 712, at p. 767; *Little Sisters Book and Art Emporium v. Canada (Minister of Justice)*, 2000 SCC 69, para 41; *Harper v. Canada (Attorney General)*, [2004] 1 SCR 827; *Toronto Coalition to Stop the War v. Canada (Public Safety and Emergency Preparedness)*, 2010 FC 957 (CanLII), at paragraph 85; and *Morin v. Prince Edward Island School Board, Regional Administrative Unit No. 3*, 2005 PESCAD 14.

In *Harper*, the Court held at paragraph 18 that “This [the right to receive information] is not a Canadian idiosyncrasy. The right to receive information is enshrined in both the *Universal Declaration of Human Rights*, G.A. Res. 217 A (III), U.N. Doc. A/810, at 71 (1948), and the *International Covenant on Civil and Political Rights*, Can. T.S. 1976 No. 47. Canada is a signatory to both. American listeners enjoy the same right; see *Red Lion Broadcasting Co. v. Federal Communications Commission*, 395 U.S. 367 (1969), at p. 390; *Martin v. City of Struthers*, 319 U.S. 141 (1943), at p. 143. The words of Marshall J., dissenting, in *Kleindienst v. Mandel*, 408 U.S. 753 (1972), at p. 775, ring as true in this country as they do in our neighbour to the south:

[T]he right to speak and hear — including the right to inform others and to be informed about public issues — are inextricably part of [the First Amendment]. The freedom to speak and the freedom to hear are inseparable; they are two sides of the same coin. But the coin itself is the process of thought and discussion. The activity of speakers becoming listeners and listeners becoming speakers in the vital interchange of thought is the means indispensable to the discovery and spread of political truth.

By condoning the physical suppression, obstruction and interruption of the peaceful expression of opinion on campus, and by punishing Go-Life members for the violation of the *Code* by other students through “security fee” extortion, the University of Alberta has violated not only the expressive freedom of Go-Life members, but also the freedom and rights of viewers and listeners.

Any denial of Go-Life’s free expression rights in the 2015-16 academic year or any year thereafter, through the University’s refusal to permit Go-Life events, or through another University demand for security fee payments as a condition of allowing the peaceful expression of opinion on campus, or through UAPS condoning the violation of the *Code*, will constitute a further violation of the free expression rights of Go-Life and its members, as well as others on campus who are deprived of their legal right to see, hear and consider Go-Life’s expression.

In closing, we respectfully request that the University withdraw its request for payment of \$225.00 for security services imposed on Go-Life on March 31, 2015.

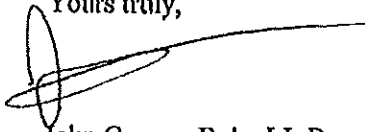


We would also appreciate your response to the following questions:

- 1) Is it the usual and ordinary practice of UAPS to refrain from taking photos of those who violate the *Code*, and to refrain from asking students engaged in misconduct to produce their identification?
- 2) Will the University require those individuals who have admitted to destroying Go-Life's property to pay restitution to Go-Life for the damage these individuals have caused?
- 3) In future, will the University delay its approval of Go-Life events until the day of the event itself?
- 4) In future, will the University prohibit Go-Life from advertising its events?
- 5) In future, will UAPS personnel ask Go-Life members to cease distributing literature on campus?
- 6) In future, will UAPS or the University contact those it knows are promoting the obstruction or disruption of Go-Life's events, and warn those individuals that their advocacy and incitement is a violation of the *Code*, and further warn them that obstructing and disrupting university-related functions is a violation of the *Code* for which they will be charged?
- 7) In future, will UAPS or the University address the obstruction and disruption of Go-Life's events immediately and decisively, by photographing those engaged in obstruction and disruption, by demanding to see their identification, and by initiating disciplinary proceedings against those who violate the *Code* (without waiting passively for a complaint)?
- 8) In future, will the University uphold the legal right of Go-Life to express its opinions peacefully on campus without being subject to property damage, the obstruction and disruption of its events, prohibitions on advertising its events, and the payment of "security fees"?

We request your response to these questions by close of business on Friday, July 10, 2015.

Yours truly,



John Carpay, B.A., LL.B.  
President  
Justice Centre for Constitutional Freedoms

cc. Amberlee Nicol, Go-Life President  
Kianna Owen  
Cameron Wilson  
Mathieu Trepanier, Student Event Risk Management Coordinator  
Grace Berry, Acting Director, University of Alberta Protective Services  
Dr. Indira Samarasekera, President, University of Alberta

Case # :

IR2015-000577-3



University of Alberta  
PROTECTIVE SERVICES  
11390-87 AVENUE  
EDMONTON, AB, T6G 2R5

Follow Up

Reported By: FRASER, L. INVESTIGATOR W030590

Parent Report Information

Report Type	Reference Number	Tracking Number
Incident Report	IR2015-000577	145761
Report Recorder	Report Disposition	
TERON, M. P/O 12601	NOT CLEARED - STILL UNDER INVESTIGATION	

Follow Up Information

Report Disposition  
CONCLUDED - NO  
FURTHER ACTION  
REQUIRED OR TAKEN

Synopsis  
Continue and complete the COSB investigation involving the perceived "leaders" of the protest / demonstrators at the Go-Life event; held in Quad; on 2015MAR03 and 4th.

Narrative text

PROPERTY:

- None.

INVESTIGATION:

1. On Wednesday, 2015SEP23, between 0900hrs and 1000hrs, a meeting had occurred at the UAPS office, to determine the next steps as per the UAPS File 2015-0577\_1 refers. Participants at the meeting included, UAPS Director SPINKS, Ms. OLTEAN (UofA General Counsel Office), and myself. Accordingly, a decision was made that UAPS will conduct/complete a Code of Student Behaviour (COSB) investigation into the alleged disruption that had occurred at the two day event, by any UofA Student(s), as the Code of Student Behaviour is only applicable to a UofA Student. The other identified persons, who are not UofA Students, cannot be investigated under the COSB, therefore, UAPS has no authority to conduct an investigation concerning the alleged action(s) of those individuals. The disruption violation to be investigated, consists of the following; when UAPS had read the "official warning" to the protester / demonstrator group, at the two day event, the protesters / demonstrators had failed to adhere / comply with the UAPS "official warning" to which, move away from the Go-Life Club display area and move/return to the protester / demonstrator designated area. Furthermore, the UAPS investigation into the alleged disruption violation, will only be focused against the perceived "organizers" of the protester / demonstrator group. Accordingly, the Go-Life Club complaint that had been filed with UAPS; their complaint had identified the following individuals as the perceived "organizers" for the protester / demonstrator group:

- Mr. STEELE (non UofA Affiliate) - no investigation will be conducted by UAPS.
- Ms. EDWARDS (UofA Student)
- Ms. CHAYTORS (UofA Student)
- Ms. GORSAK (UofA Student)
- Ms. COURTNEY (UofA Student)
- Dr. STASIA (UofA Professor) - no investigation will be conducted by UAPS.
- Dr. WELLS (UofA Professor) - no investigation will be conducted by UAPS.
- Ms. DUNCAN (Member of Parliament) - no investigation will be conducted by UAPS.

Prepared By: FRASER, L. INVESTIGATOR W030590(laf1)	Submitted Date 2015/11/19 1004
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Mr. LOYOLA (NASA President) - no investigation will be conducted by UAPS.

2. On Monday, 2015OCT26, a UofA Internal record checks was completed to determine the present status of the alleged four UofA Students; Ms. EDWARDS, Ms. CHAYTORS, Ms. GORASK, and Ms. COURTNEY. The checks determined the following information:

a) Ms. COURTNEY is currently a registered UofA Student and she was a registered student at the time of the alleged violation.

b) Ms. GORSAK had graduated in June 2014, therefore she is no longer a current UofA Student; at the time of the alleged violation(s) on 2015MAR03 and 4th, Ms. GORSAK's status would have been the same; a former student (a former student does meet the definition criteria for a student under the COSB).

c) Ms. EDWARDS is currently a registered UofA Student; she was a registered student at the time of the alleged violation; however, she is currently studying abroad, in the United States of America for the fall 2015 term.

d) Ms. CHAYTORS is currently a registered UofA Student, and she was a registered Student at the time of the alleged violation.

3. At 1336hrs, I had sent correspondence via email to the three complainants; Ms. NICOL, Ms. OWEN and Mr. WILSON, to which, I provided them with an update regarding their complaint that had been made to UAPS; the delay that had occurred from the time of their complaint to present date; the decision that UAPS will now proceed forward with the investigation into the alleged allegations that had been reported to this office.

4. At 1415hrs, I had sent correspondence via email (Bcc'd) to Ms. CHAYTORS, Ms. COURTNEY, Ms. EDWARDS and Ms. GORSAK. The correspondence explained the reason for my contact and I invited them to schedule a meeting with me. I explained the purpose of the meeting was to provide them with information to enable them to make an informed decision as to whether or not they will participate in the COSB investigation.

5. At 1455hrs, I received a phone call from Ms. CHAYTORS where she acknowledged receipt of my correspondence. Ms. CHAYTORS asked that we meet today, to discuss the report and her decision to participate in the investigation. Ms. CHAYTORS stated that she would attend the UAPS office immediately, if I would be able to accommodate her. I agreed to meet with Ms. CHAYTORS today, when she arrived at the UAPS office.

6. At 1503hrs, I learned Ms. CHAYTORS had arrived at the UAPS lobby, I greeted her in the lobby and Ms. CHAYTORS and I then relocated ourselves to the interview room. At that time, I explained to Ms. CHAYTORS that UAPS had received a report concerning her and others, the report had alleged she and others had allegedly displayed inappropriate behaviour, at the two day Go-Life Club event, held in Quad, in March 2015. I explained to Ms. CHAYTORS that the report had alleged that she had committed a number of violations. I explained to Ms. CHAYTORS that upon my review of the alleged allegations concerning her, UAPS is only prepared to investigate one of the alleged allegations, that being, a disruption. I explained to Ms. CHAYTORS that the disruption violation being investigated, consisted of the following: protesters / demonstrators at the two day event had positioned themselves in front of the Go-Life Club displays, prevented others from viewing the displays. Further to that, I explained to her that during the two day event, UAPS had attempted to resolve the concern, by establishing a designated area for the protesters / demonstrators to gather and remain, during their attendance at the location. Further, UAPS had read an official warning, on more than one occasion, on both dates, to the protesters / demonstrators that were present. I explained to her that the official warning had advised protesters / demonstrators to return to their designated area, to which, the protesters / demonstrators had failed to adhere and/or comply with the official warning that had been read. Furthermore, due to the non-compliance of the protesters / demonstrators that were present, when the official warning had been read, the protester / demonstrator that was present at the time, may have committed the violation under the Code of Student Behaviour (COSB), of a disruption. I explained to Ms. CHAYTORS, that at this present time, UAPS does not have sufficient evidence to proceed forward with a process against her for a disruption violation. I then explained to Ms. CHAYTORS that a student who is accused of violation(s) under the COSB, can participate in the investigation, where their participation may include an interview with me and their written explanation and/or witness statement. I explained to Ms. CHAYTORS that if she chooses to participate in the investigation, whereby, she would provide her written explanation and/or witness statement, to which, may implicate her and/or provide evidence of her committing the violation. I explained to Ms. CHAYTORS that her decision to participate in a COSB investigation is voluntary. I explained to Ms. CHAYTORS that at the completion of the investigation, she would be notified of its outcome. Further to that, I explained to Ms. CHAYTORS the COSB

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process, should a COSB process follow the completion of the investigation.

7. At that time, I asked Ms. CHAYTORS if she needed time to consider, whether or not, she would participate in the investigation. Ms. CHAYTORS stated that she did not need time to consider the information, her decision is not to participate in the investigation. I explained to Ms. CHAYTORS that should I receive new information, after speaking with her today, that may implicate her, I would at that time, re-connect with her, to determine if she wished to re-consider her decision, not to participate in the investigation. Ms. CHAYTORS agreed with what I had proposed and she and I then had exited the interview room, where she departed from the UAPS lobby, thus, completing our meeting. The meeting with Ms. CHAYTORS commenced at 1503hrs and was completed at 1515hrs.

8. Ms. EDWARDS later that day, had replied to my correspondence, to which, she advised/confirmed that she was studying abroad in the United States of America, and that her expected return to Edmonton, would not occur until after the New Year, 2016. Through an exchange of correspondence that occurred between Ms. EDWARDS and I, Ms. EDWARDS agreed that a telephone conversation concerning this matter may be appropriate under the present circumstances, to order, to acquire her decision, as to whether or not she will participate in the COSB investigation. As a result, a telephone meeting was scheduled on Tuesday, 2015OCT27 at 1100hrs, where I would initiate the phone call.

9. Ms. COURTNEY later that day, had replied to my correspondence, to which, she had scheduled a meeting with me at the UAPS office, on Friday, 2015OCT30 at 0800hrs.

10. Ms. GORSAK later that day, had replied to my correspondence, to which, she had indicated that she would like to schedule a meeting with me; however, she is leaving the area on Thursday, 2015OCT29 and that she is not scheduled to return until 2015NOV10. Ms. GORSAK indicated that our meeting may have to be postponed until she had returned. I replied to Ms. GORSAK's correspondence, where I explained that I am available to meet with her either today and/or tomorrow, or I suggested a telephone conversation may be more convenient. I explained to Ms. GORSAK that my contact is to provide her with information, and then determine if she wishes to participate in the investigation. Ms. GORSAK later sent a reply that she would try to call me before she was scheduled to leave, in order to allow for a discussion to occur. No phone call was later received by Ms. GORSAK.

11. On Tuesday, 2015OCT27 at 1102hrs, I called and spoke with Ms. EDWARDS by telephone. At that time, I explained to Ms. EDWARDS that UAPS had received a report concerning her and others, the report had alleged she and others had allegedly displayed inappropriate behaviour, at the two day Go-Life Club event, held in Quad, in March 2015. I explained to Ms. EDWARDS that the report had alleged that she had committed a number of violations. I explained to Ms. EDWARDS that upon my review of the alleged allegations concerning her, UAPS is only prepared to investigate one of the alleged allegations, that being, a disruption. I explained to Ms. EDWARDS that the disruption violation being investigated, consisted of the following: protesters / demonstrators at the two day event had positioned themselves in front of the Go-Life Club displays, prevented others from viewing the displays. Further to that, I explained to her that during the two day event, UAPS had attempted to resolve the concern, by establishing a designated area for the protesters / demonstrators to gather and/or remain, during their attendance at the location, during the scheduled event. Further, UAPS had read an official warning, on more than one occasion, on both dates, to the protesters / demonstrators that were present. I explained to her that the official warning had advised protesters / demonstrators to return to their designated area, to which, the protesters / demonstrators had failed to adhere and/or comply with the official warning that had been read. Furthermore, due to the non-compliance of the protesters / demonstrators that were present, when the official warning had been read, the protester / demonstrator that was present at the time, may have committed the disruption violation under the Code of Student Behaviour (COSB). I explained to Ms. EDWARDS, that at this present time, UAPS does not have sufficient evidence to proceed forward with a process against her for a disruption violation. I then explained to Ms. EDWARDS that a student who is accused of violation(s) under the COSB, can participate in the investigation, whereby their participation may include an interview with me and their written explanation and/or witness statement. I explained to Ms. EDWARDS that if she chooses to participate in the investigation, whereby, she provides her written explanation and/or witness statement, to which, may implicate and/or provide evidence that she had committed the disruption violation. I explained to Ms. EDWARDS that her decision to participate in a COSB investigation is voluntary. I explained to Ms. EDWARDS that at the completion of the investigation, I would notify her of the outcome, as it relates to her.

12. At that time, I asked Ms. EDWARDS if she needed time to consider, whether or not, she would participate in the investigation. Ms. EDWARDS stated that she did not need time to consider the information, her decision at this time, is not to participate in the investigation. I explained to Ms. EDWARDS that should I receive new information, after my discussion with her today, that may implicate her, that I would at that time, re-connect with her, to determine if she wished to re-consider her decision, not to participate

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In the investigation, Ms. EDWARDS agreed with what I had proposed and our phone call was completed, at 1115hrs.

13. On Friday, 2015OCT30 at 0803hrs, I learned Ms. COURTNEY had arrived at the UAPS lobby, at which time, I greeted Ms. COURTNEY in the lobby. Ms. COURTNEY and I then relocated ourselves to the interview room. At that time, I explained to Ms. COURTNEY that UAPS had received a report concerning her and others, the report had alleged she and others had allegedly displayed inappropriate behaviour, at the two day Go-Life Club event, held in Quad, in March 2015. I explained to Ms. COURTNEY that the report had alleged that she had committed a number of violations. I explained to Ms. COURTNEY that upon my review of the alleged allegations concerning her, UAPS was only prepared to investigate one of the alleged allegations, that being, a disruption. I explained to Ms. COURTNEY that the disruption violation being investigated, consisted of the following: protesters / demonstrators at the two day event had positioned themselves in front of the Go-Life Club displays, prevented others from viewing the displays. I explained to her that during the two day event, UAPS had attempted to resolve the concern, by establishing a designated area for the protesters / demonstrators to gather and/or remain, during their attendance at the event. Further, UAPS had read an official warning, on more than one occasion, on both dates, to the protesters / demonstrators that were present. I explained to her that the official warning had advised protesters / demonstrators to return to their designated area, to which, the protesters / demonstrators had failed to adhere and/or comply with the official warning that had been read. Furthermore, due to the non-compliance of the protesters / demonstrators that were present, when the official warning had been read, the protester / demonstrator that was present at the time, may have committed the disruption violation under the Code of Student Behaviour (COSB). I explained to Ms. COURTNEY, that at this present time, UAPS does not have sufficient evidence to proceed forward with a process against her for a disruption violation. I then explained to Ms. COURTNEY that a student who is accused of violation(s) under the COSB, can participate in the investigation, whereby their participation may include an interview with me and their written explanation and/or witness statement. I explained to Ms. COURTNEY that if she chooses to participate in the investigation, whereby, she provides her written explanation and/or witness statement, her written statement may implicate and/or provide evidence of her having committed the disruption violation. I explained to Ms. COURTNEY that her decision to participate in a COSB investigation is voluntary. I explained to Ms. COURTNEY that at the completion of the investigation, I would notify her of the outcome, as it relates to herself.

14. At that time, I asked Ms. COURTNEY if she needed time to consider, whether or not, she would participate in the investigation. Ms. COURTNEY stated that she did not need time to consider the information, her decision at this time, is not to participate in the investigation. I explained to Ms. COURTNEY that should I receive new information, after my discussion with her today, that may implicate her, that I would at that time, re-connect with her, to determine if she wanted to re-consider her decision, regarding her participation in the investigation. Ms. COURTNEY agreed with what I had proposed and our meeting was completed, at 0820hrs.

15. On Friday, 2015NOV10, I had sent correspondence via email to Ms. GORSK, where I had indicated that I was following up since our last exchange of correspondence on 2015OCT27. I invited Ms. GORSK to schedule a meeting with me next week and/or to contact me by telephone, in order to allow me to provide her with the necessary information. Ms. GORSK later replied to the correspondence and she scheduled a meeting at the UAPS office with me on Tuesday, 2015NOV17 at 1400hrs.

16. On Tuesday, 2015NOV17 at 1400hrs, I learned Ms. GORSK had arrived at the UAPS lobby, at which time, I greeted Ms. GORSK in the lobby. Ms. GORSK and I then relocated ourselves to my office space (room 216). At that time, I explained to Ms. GORSK that UAPS had received a report concerning her and others, the report had alleged she and others had allegedly displayed inappropriate behaviour, at the two day Go-Life Club event, held in Quad, in March 2015. I explained to Ms. GORSK that the report had alleged that she had committed a number of violations. I explained to Ms. GORSK that upon review of the alleged allegations concerning her, UAPS was only prepared to investigate one of the alleged allegations, that being, a disruption. I explained to Ms. GORSK that the disruption violation being investigated, consisted of the following: protesters / demonstrators at the two day event had positioned themselves in front of the Go-Life Club displays, prevented others from viewing the displays. I explained to her that during the two day event, UAPS had attempted to resolve the concern, by establishing a designated area for the protesters / demonstrators to gather and/or remain, during their attendance at the event. Further to that, UAPS had read an official warning, on more than one occasion, on both dates, to the protesters / demonstrators that were present. I explained to her that the official warning had advised protesters / demonstrators to return to their designated area, to which, the protesters / demonstrators had failed to adhere and/or comply with the official warning that had been read. Furthermore, due to the non-compliance of the protesters / demonstrators that were present, when the official warning had been read, the protester / demonstrator that was present at the time, may have committed the disruption violation under the Code of Student Behaviour (COSB). I explained to Ms. GORSK, that at this present time, UAPS does not have sufficient evidence to proceed forward with a process against her for a disruption violation. I then explained to Ms. GORSK that a student who is accused of violation(s) under

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the COSB, can participate in the investigation, whereby their participation may include an interview with me and their written explanation and/or witness statement. I explained to Ms. GORSAK that if she choose to participate in the investigation, whereby, she provides her written explanation and/or witness statement, her written statement may implicate her and/or provide evidence of her having committed the disruption violation. I explained to Ms. GORSAK that her decision to participate in a COSB investigation is voluntary. I explained to Ms. GORSAK that at the completion of the investigation, I would notify her of the outcome, as it relates to herself.

17. At that time, I asked Ms. GORSACK if she needed time to consider, whether or not, she would participate in the investigation. Ms. GORSACK stated that she did not need time to consider the information, her decision at this time, is not to participate in the investigation. I explained to Ms. GORSACK that should I receive new information, after my discussion with her today, that may implicate her, that I would at that time, re-connect with her, to determine if she wanted to re-consider her decision, regarding her participation in the investigation. Ms. GORSACK agreed with what I had proposed and our meeting was completed, at approximately 1420hrs.

18. On Wednesday, 2015NOV18, the COSB investigation into the report of Ms. NICOL, Ms. OWEN, and Mr. WILSON (the UAPS complainant's) had now been completed. In review, on 2015MAR03, Ms. NICOL had provided UAPS with her written witness statement, to which, Ms. NICOL had made numerous alleged COSB allegations against others (UofA Students, UofA Staff Members, and Non Affiliates), who had allegedly attended the Go-Life Club approved two day event, on March 3rd and 4th, 2015, at Quad (UAPS File 2015-0577 refers). The specifics of Ms. NICOL's alleged COSB violations of others were documented in UAPS File 2015-0577\_1, paragraph #3. The specifics of Ms. NICOL's alleged violation allegations of others, moreso describe the actions of peaceful demonstrators, rather than COSB violations. Later, on 2015APR14, a meeting was scheduled with the three complainants, at which time, I inquired with them if they had any new and/or additional information, other than what Ms. NICOL had previously provided; they did not. Ms. NICOL stated that the Go-Life Club members had compiled evidence for UAPS, where Go-Life Club members have identified "the others" being the protesters / demonstrators who had attended the two day event who are alleged to have committed the COSB violations. Ms. NICOL stated the evidence that had been compiled by the Go-Life Club members consists of the following:

- a) Digital images of "the others" who committed COSB violations at the two day event; to whom Go-Life Club members had identified those individuals.
- b) Video clips that captured individual protesters / demonstrators at the event and their activity at the time of the recording.
- c) Captured Facebook screenshots of written correspondence that had been exchanged between identified protesters / demonstrators with others.
- d) The Go-Life Club had captured the above mentioned evidence, into two categories; organizers of the protester / demonstrator group (previously mentioned in paragraph #1) and 102 individual protester / demonstrators not being apart of the organizer category.

A review of the mentioned evidence that had been provided to UAPS, by the Go-Life Club, did not specify how and/or who had made the alleged identification of the individuals in the provided images or video clips. Further to that, the captured images and/or video clips did not specify the date and/or time that the image and/or video clip had been captured nor by whom who had taken the image and/or video clip to authenticate the recording (image or video clip). As such, the evidence that had been provided to UAPS could not be relied upon as factual and/or reliable evidence. As such, a decision was later made that UAPS would investigate one of the alleged violations under the COSB, that being, a disruption. The decision to investigate the one violation was based on the present evidence that had been provided to UAPS, and the possible likelihood that the alleged violation may be substantiated through the COSB investigation. Further to that, the decision to investigate the alleged disruption of the protester / demonstrator group would be limited to only UofA Students; as the COSB is only applicable to UofA Students; further limited to the perceived "organizers" of the group; as UAPS can not commit their available resources (one investigator) to contact and interview one hundred plus alleged UofA Student protesters / demonstrators for the alleged disruption violation.

As such, the COSB investigation then proceeded with the focus of the investigation directed towards the four perceived UofA Student "organizers" of the protester / demonstrator group; being Ms. EDWARDS, Ms. CHAYTORS, Ms. GORSAK, and Ms. COURTNEY. All four were contacted; all four were provided information concerning the COSB investigation for the violation of a disruption; all four elected not to participate in the investigation. That said, the investigation failed to determine, with any certainty, that Ms. EDWARDS, Ms. CHAYTORS, Ms. GORSAK, and/or Ms. COURTNEY were present at the event, at the time(s), when UAPS had read the "official warning" to the protester / demonstrator group. Therefore, without that specific evidence of their presence when the official warning(s) had been read, the disruption violation cannot be substantiated. As a result, no COSB

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process should follow the completion of the COSB investigation against Ms. EDWARDS, Ms. CHAYTORS, Ms. GORSAK, and/or Ms. COURTNEY.

19. At 1413hrs, I had sent correspondence via email to Ms. EDWARDS, Ms. CHAYTORS, Ms. GORSAK, and Ms. COURTNEY, to which, they were provided an update concerning the investigation being completed, no COSB process to follow, and that the matter is now considered closed.

**RECOMMENDATIONS:**

1. File is being concluded; insufficient evidence to substantiate a disruption violation.
2. UAPS Director to prepare/send written notification to the complainant's (Ms. NICOL, Ms. OWEN, and Mr. WILSON) as per COSB section 30.5.2(7).
3. Disseminate UAPS report to the Dean of Students office; for their information; related to UAPS File 2015-0606 that had been previously forwarded to their office for consideration / recommendation.
4. Disseminate UAPS report to Legal Counsel office; for their information.

**ATTACHMENTS:**

1. Correspondence via email; internal correspondence between Supt. BERRY and Ms. TALASTAS (2 pages).
2. Correspondence via email exchanged with Ms. EDWARDS, Ms. CHAYTORS, Ms. COURTNEY, and Ms. GORSAK (14 pages).
3. Correspondence via email exchanged with Ms. NICOL, Ms. OWEN, and Mr. WILSON (2 pages).
4. Go-Life Club documents; outlining a list of names of individual demonstrators that the Club had identified (8 pages).
5. Go-Life Club documents; evidence outlining organizers, University Employees, Member of Parliament (20 pages).
6. Go-Life Club documents; evidence outlining Ms. EDWARDS violation(s) (28 pages).
7. Go-Life Club documents; evidence outlining Ms. CHAYTORS violation(s) (9 pages).
8. Go-Life Club documents; evidence outlining Ms. GORSAK violation(s) (2 pages).
9. Go-Life Club documents; evidence outlining Ms. COURTNEY violation(s) (4 pages).
10. Go-Life Club documents; evidence outlining other identified demonstrators (numerous pages).

**Prepared By:**

FRASER, L. INVESTIGATOR W030590(taf1)

**Submitted Date**

2015/11/19 1004

**Signature**

**Reviewed By/Date**

ROTH, M. P/O SGT 11564 2015/11/20 0645



Lawrence Fraser <laf1@ualberta.ca>

**Fwd: UA172953 Letter of Protest**

1 message

Grace Berry <gberry@ualberta.ca>  
To: Lawrence Fraser <lawrence.fraser@ualberta.ca>  
Cc: Jax Oltean <jaxine@ualberta.ca>

14 September 2015 at 18:59

Lawrence  
As per Bills direction please;  
I've copied in Jax for info only at this time

Grace BERRY  
U of A Protective Services

Begin forwarded message:

**From:** Bill Spinks <spinks@ualberta.ca>  
**Date:** September 14, 2015 at 4:10:33 PM MDT  
**To:** Grace Berry <gberry@ualberta.ca>  
**Subject:** Fwd: UA172953 Letter of Protest

Please add this to the master file.  
----- Forwarded message -----

**From:** Celeste Talastas <talastas@ualberta.ca>  
**Date:** Mon, Sep 14, 2015 at 11:41 AM  
**Subject:** Fwd: UA172953 Letter of Protest  
**To:** Grace Berry <gberry@ualberta.ca>, Bill Spinks <spinks@ualberta.ca>

Hi Grace and Bill,

For your information

For any question, please contact me. Thank you.

**Celeste Talastas**

Admin. Assistant  
Environment, Health & Safety  
Risk Management Services  
3-107 Research Transition Facility  
University of Alberta  
Edmonton, Alberta T6G 2V2  
email: celeste.talastas@ualberta.ca  
phone: 780-492-0144 fax: 780-492-7790  
www.ehs.ualberta.ca

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16/09/2015

University of Alberta Mail - Fwd: UA172953 Letter of Protest

should be deleted or destroyed.

----- Forwarded message -----

From: Carmen Telerle <ctelerle@ualberta.ca>  
Date: Fri, Sep 11, 2015 at 2:59 PM  
Subject: UA 172953 Letter of Protest  
To: Celeste Talastas <talastas@ualberta.ca>

Hi Celeste,

The payment from Go Life: U of A Campus Pro-Life for the above invoice has been received. It included the attached letter.

CDCK 0085  
Thank-you,  
c.

---

Carmen Telerle | Accounts Receivable Analyst – Restricted Funds | Financial Services | University of Alberta  
3rd Floor Admin Bldg | Phone: 780.492.6299 | Fax: 780.492.2846 | fsar@ualberta.ca

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*♻️ Please consider the environment before printing this e-mail or its attachment*

---

## 2 attachments



noame.html  
1K



Scan 001 (1).pdf  
17K



## UAPS (File 2015-0577)

22 messages

Lawrence Fraser <laf1@ualberta.ca>

26 October 2015 at 14:15

Bcc: Zoe Chaytors <chaytors@ualberta.ca>, Telisa Courtney <tellisa@ualberta.ca>, Claire Edwards <cae1@ualberta.ca>, Paige Gorsak <gorsak@ualberta.ca>

Good afternoon everyone,

I've intentionally Bcc'd the correspondence that is being sent to everyone today, to ensure confidentiality

I wish to introduce myself; I'm the Code of Student Behaviour investigator for the University of Alberta Protective Services. UAPS upon receipt of a formal complaint, where the complainant(s) have filed a formal complaint against a Student(s), regarding inappropriate behaviour, under the Code of Student Behaviour (COSB); subsequently conducts an investigation into the report. The purpose of the investigation is to determine if a violation(s) had occurred under the COSB, and to determine, if there is evidence to support a process to follow the completion of the investigation.

Last March 3rd, and 4th, 2015, the registered Student Group, the Go-Life Club had an approved two day event that was held in Quad. As a result of the two day event held in Quad; UAPS later received a complaint regarding the protesters/demonstrators that had attended the two day event. The complaint provided to UAPS; had identified several individuals, to whom, are alleged to have committed violations under the COSB; according to the complainants. As a result of the complaint that had been reported to UAPS, I would like to invite you to schedule a meeting with me. At the meeting, I will explain to you what has been alleged, specifically about you. I will then provide you with an explanation about a COSB investigation; your participation in the investigation and what that will consist of, if you choose to participate; the COSB process, should a process follow the completion of the investigation. The information to be provided to you is hoped to provide you with information to enable you to make an informed decision.

To assist you with scheduling a meeting with me, I have an office at the UAPS office; situated at the Education Car Park, ground level, our entrance doors are situated at the SW corner of the building. My work week is Monday thru Friday, 8 am - 3 pm, daily. You can reply to the correspondence to schedule our meeting and/or you can call me directly, at the below mentioned phone number.

I shall look forward to hearing back from you soon.

Best regards,

Lawrence Fraser  
Investigative Services Division

University of Alberta Protective Services  
11390 - 87 Avenue  
Edmonton, AB  
Canada T6G 2R5  
Cell: (780) 221-7259  
Email: lawrence.fraser@ualberta.ca  
Web: <http://www.protectiveservices.ualberta.ca>

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**Telisa Courtney** <telisa@ualberta.ca>  
To: Lawrence Fraser <laf1@ualberta.ca>

26 October 2015 at 14:22

Hello Lawrence,  
Just so I understand, am I being investigated by UAPS as part of Go Life's complaint, and am I required to meet with you? I am just unsure as I also filed a complaint regarding this incident and so I am unsure as to whether I am being copied on an email sent to all complainants or if this pertains to me.  
Thank you,

Telisa Courtney  
1408814

[Quoted text hidden]

---

**Claire Edwards** <cae1@ualberta.ca>  
To: Lawrence Fraser <laf1@ualberta.ca>

26 October 2015 at 14:42

Hi Lawrence,

I'm currently studying abroad in Washington DC and will not be able to meet with you until I return for the new year. Let me know if there is a way I can be of assistance in the investigation while I'm out of the country.

Thanks,

Claire  
[Quoted text hidden]

---

**Lawrence Fraser** <laf1@ualberta.ca>  
To: Telisa Courtney <telisa@ualberta.ca>

26 October 2015 at 14:44

Hi Telisa,

Sorry for the confusion; the answer is yes to both of your concerns/questions. The Go-Life Club had filed a complaint that alleged you had committed violations under the Code of Student Behaviour, while at the two day event. Please don't misunderstand my message; an accusation, does not mean to say that you had committed a violation! The purpose of the investigation is to determine whether or not a violation(s) under the COSB had been committed and if there is evidence to support such violation(s) if they had occurred.

I've invited you and others, to schedule a meeting with me. At the meeting, I will provide you with information as to what specifically is being alleged about you; information about the COSB investigation, your participation in the investigation, if you choose to participate, and the COSB process, should a process follow the completion of the investigation. After you have received the information, you ultimately decide next steps, if you choose to participate or not in the investigation.

Does this help!

Again, sorry for any confusion!

Best regards,

Lawrence Fraser  
Investigative Services Division

University of Alberta Protective Services  
11390 - 87 Avenue  
Edmonton, AB  
Canada T6G 2R5

Cell: (780) 221-7259  
Email: [lawrence.fraser@ualberta.ca](mailto:lawrence.fraser@ualberta.ca)  
Web: <http://www.protectiveservices.ualberta.ca>

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[Quoted text hidden]

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**Telisa Courtney** <[telisa@ualberta.ca](mailto:telisa@ualberta.ca)>  
To: Lawrence Fraser <[laf1@ualberta.ca](mailto:laf1@ualberta.ca)>

26 October 2015 at 14:47

Hi Lawrence,  
Thank you for clearing this up. I will look at my schedule and book an appointment with you. Is there a particular timeline I should aim for (i.e. this week, next, before end of term, etc.)?  
Thanks,

Telisa Courtney  
1408814

[Quoted text hidden]

---

**Lawrence Fraser** <[laf1@ualberta.ca](mailto:laf1@ualberta.ca)>  
To: Claire Edwards <[cae1@ualberta.ca](mailto:cae1@ualberta.ca)>

26 October 2015 at 14:49

Hi Claire,

First of all, congratulations; studying abroad; good for you! For obvious reasons, you and I will not be able to schedule a face to face meeting, until sometime after the New Year, when you return back to the University. One alternative, if you wish to schedule our meeting, that can be accomplished through a Skype meeting, if you are comfortable with a Skype meeting to occur while you are abroad. If you are not comfortable with a Skype meeting, then I would suggest that our meeting be delayed until your return to the University after the New Year.

Please advise your wishes.

Best regards,

Lawrence Fraser  
Investigative Services Division

University of Alberta Protective Services  
11390 - 87 Avenue  
Edmonton, AB  
Canada T6G 2R5  
Cell: (780) 221-7259  
Email: [lawrence.fraser@ualberta.ca](mailto:lawrence.fraser@ualberta.ca)  
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27/10/2015

University of Alberta Mail - UAPS (File 2015-0577)

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[Quoted text hidden]

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Claire Edwards <cae1@ualberta.ca>  
To: Lawrence Fraser <laf1@ualberta.ca>

26 October 2015 at 14:52

Thank you! I'm working full time as an intern and taking a handful of courses while I'm here, so I'm kept very busy. If UAPS is willing to wait until I get back I would much prefer that.

Thank you for understanding.

Claire  
[Quoted text hidden]

---

Lawrence Fraser <laf1@ualberta.ca>  
To: Telisa Courtney <telisa@ualberta.ca>

26 October 2015 at 14:52

Hi Telisa,

As far as a timeline to schedule our meeting, either this week if you are able to accommodate, and/or the following week would be appropriate.

Best regards,

Lawrence Fraser  
Investigative Services Division

University of Alberta Protective Services  
11390 - 87 Avenue  
Edmonton, AB  
Canada T6G 2R5  
Cell: (780) 221-7259  
Email: lawrence.fraser@ualberta.ca  
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[Quoted text hidden]

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Lawrence Fraser <laf1@ualberta.ca>  
To: Claire Edwards <cae1@ualberta.ca>

26 October 2015 at 14:55

Absolutely Claire, our meeting can be delayed until your return to the University after the New Year as I can appreciate how busy you are. If it's all right with you, when you return and/or are expected to return, please contact me at that time, to then schedule our meeting.

Best regards,

Lawrence Fraser  
Investigative Services Division

111

University of Alberta Protective Services  
11390 - 87 Avenue  
Edmonton, AB  
Canada T6G 2R5  
Cell: (780) 221-7259  
Email: lawrence.fraser@ualberta.ca  
Web: <http://www.protectiveservices.ualberta.ca>

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[Quoted text hidden]

---

**Claire Edwards** <cae1@ualberta.ca>  
To: Lawrence Fraser <laf1@ualberta.ca>

26 October 2015 at 14:57

Sounds great! Talk then.

Claire

[Quoted text hidden]

---

**Telisa Courtney** <telsa@ualberta.ca>  
To: Lawrence Fraser <laf1@ualberta.ca>

26 October 2015 at 15:23

Sounds great Lawrence.  
Would Friday at 8 am work for you?

Telisa Courtney  
1408814

[Quoted text hidden]

---

**Lawrence Fraser** <laf1@ualberta.ca>  
To: Telisa Courtney <telsa@ualberta.ca>

26 October 2015 at 15:39

Friday at 8 am works perfectly, see you then.

Sent from my iPhone  
[Quoted text hidden]

---

**Paige Gorsak** <gorsak@ualberta.ca>  
To: Lawrence Fraser <laf1@ualberta.ca>

26 October 2015 at 16:38

Hi Lawrence,

I am surprised to hear about this investigation.

I'd like to come and meet you to hear more about the allegations, however I am out of the city starting this Thursday and will not be back until mid November. Can I contact you then and set up a time?

Thanks,

Paige

Sent from my iPhone

[Quoted text hidden]

---

Lawrence Fraser <laf1@ualberta.ca>  
To: Paige Gorsak <gorsak@ualberta.ca>

27 October 2015 at 06:53

Good morning Paige,

As you are leaving on Thursday and will not be back until mid November, may I propose a couple of options, that you may wish to consider to resolve the purposes of our meeting:

Option 1: Our meeting can be postponed until mid November, when you have returned. At that time, you can contact me and we can schedule our meeting to discuss this matter.

Option 2: I am available to schedule a meeting with you either today and/or Wednesday, prior to you departing the City.

Option 3: If you would like, we could have a telephone conversation either today and/or Wednesday, perhaps after hearing the information that I will provide you, you will then be in a position to decide next steps. I do believe that we could/would be able to accomplish next steps, via a phone call, but you can decide.

Today, I have a scheduled meeting from 9 am - 10 am; no other scheduled meetings thereafter nor do I have any meetings presently scheduled for Wednesday.

Whatever your wishes, I will oblige!

Best wishes,

Lawrence Fraser  
Investigative Services Division

University of Alberta Protective Services  
11390 - 87 Avenue  
Edmonton, AB  
Canada T6G 2R5  
Cell: (780) 221-7259  
Email: lawrence.fraser@ualberta.ca  
Web: <http://www.protectiveservices.ualberta.ca>

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[Quoted text hidden]

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Lawrence Fraser <laf1@ualberta.ca>  
To: Claire Edwards <cae1@ualberta.ca>

27 October 2015 at 07:02

Good morning Claire,

If you would like and only if you are comfortable, I thought I would suggest to you that we may be able to move forward with his matter through a phone call, between you and I. That way, you are able to move forward with your responsibilities aboard without this matter shadowing over you; not that it is!

I can call you or you can call me, whatever is best! My direct contact (780) 221-7259.

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[Quoted text hidden]

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**Claire Edwards** <cae1@ualberta.ca>  
To: Lawrence Fraser <laf1@ualberta.ca>

27 October 2015 at 10:03

On second thought, Lawrence, can you give me a call at 11? I think that taking an incoming call will save me some money on long distance charges. You can reach me at 1-780-722-5583.

Thank you!

Claire

[Quoted text hidden]

---

**Lawrence Fraser** <laf1@ualberta.ca>  
To: Claire Edwards <cae1@ualberta.ca>

27 October 2015 at 10:17

Absolutely Claire, I will call you at 11 am.

Lawrence

Sent from my iPhone

[Quoted text hidden]

---

**Claire Edwards** <cae1@ualberta.ca>  
To: Lawrence Fraser <laf1@ualberta.ca>

27 October 2015 at 11:01

Just missed you! Can you try again?

Clai

[Quoted text hidden]

---

**Paige Gorsak** <gorsak@ualberta.ca>  
To: Lawrence Fraser <laf1@ualberta.ca>

27 October 2015 at 12:37

Hi Lawrence,

I am working 9-5 today and may not have a lot of time tomorrow. However, a phone call would definitely be possible and perhaps that way I can get the general information — and if I feel concerned we can schedule again when I am home. I am home and on campus on Nov. 10 so that is not too far away.

So if it's convenient I will call tomorrow. Is there any particular time that is best for you?

Thanks,

Paige

Sent from my iPhone

On Oct 27, 2015, at 06:53, Lawrence Fraser <laf1@ualberta.ca> wrote:



Good morning Paige,

As you are leaving on Thursday and will not be back until mid November, may I propose a couple of options, that you may wish to consider to resolve the purposes of our meeting:

Option 1: Our meeting can be postponement until mid November, when you have returned. At that time, you can contact me and we can schedule our meeting to discuss this matter.

[Quoted text hidden]

[Quoted text hidden]

---

Lawrence Fraser <laf1@ualberta.ca>  
To: Paige Gorsak <gorsak@ualberta.ca>

27 October 2015 at 13:08

Hi Paige,

I do believe that you and I can likely accomplish the task at hand, through the means of a phone conversation. I understand that you are working today, from 9 am - 5 pm. I am in a position to have that telephone conversation with you this afternoon, or after you have completed your work day, and or later this evening, should that be more convenient for you, please feel free to contact me, this afternoon, after your work day or this evening, I'm very happy to accommodate whatever is more convenient for you.

If tomorrow, is better for you, I currently don't have any scheduled meetings at this time. Therefore, you can call me any time tomorrow, between 7 am - 3 pm. I'm generally at my office by 7 am and I'm here until 3 pm.

My direct contact number (780) 221-7259.

Having said the above; the purpose of our conversation or telephone call, is to allow me to provide you with information concerning the Code of Student Behaviour investigation, what is being alleged, as it relates to you, and the COSB rights that are provided to students under the COSB, when they have been accused of a violation. During the investigation, the student who has been accused, can participate in the investigation, if they so choose to participate. Usually, their participation includes an interview with me and the student providing their written explanation or written statement concerning the accused violation. The student's decision to participate or not, is the student's decision. Its my believe, that once when I have provided you with the information, you will comfortably be able to provide me with your decision, as it relates to you participating in the investigation. This may seem overwhelming at this time, but when you have heard the information that I am to provide you with, I do believe you will then acquire a proper understanding, to enable you to make an informed decision regarding your participation in the investigation.

Hope this helps; likely not, but I thought I would try to alleviate any potential concern(s) that you may have as a result of my contact!

Best regards,

Lawrence Fraser  
Investigative Services Division

University of Alberta Protective Services  
11390 - 87 Avenue  
Edmonton, AB  
Canada T6G 2R5  
Cell: (780) 221-7259  
Email: lawrence.fraser@ualberta.ca  
Web: <http://www.protectiveservices.ualberta.ca>

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(Quoted text hidden)



Lawrence Fraser &lt;laf1@ualberta.ca&gt;

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**UAPS (File 2015-0577)**

5 messages

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**Lawrence Fraser <laf1@ualberta.ca>**  
**To: Paige Gorsak <gorsak@ualberta.ca>**

13 November 2015 at 09:26

Good morning Paige,

I thought that I would follow up with you, since our last correspondence that had occurred on October 27th. At that time, you had mentioned that you would be returning back to Edmonton from your trip on November 10th. Just checking in with you to see if you had returned, if so, would you like to schedule a meeting with me so that we can discuss the Go - Life event / complaint?

I'm available to meet with you next week, any day, between Tuesday, November 17 - Friday, November 20, any time between 7:00 am and 3:00 pm, which are my office hours.

Further to the above, we could have a telephone conversation where I could provide you with the same information, in which, I would learn of your decision. Either way, is fine with me, whatever works best for you, I'm willing to accommodate.

Best regards,

Lawrence Fraser  
 Investigative Services Division

University of Alberta Protective Services  
 11390 - 87 Avenue  
 Edmonton, AB  
 Canada T6G 2R5  
 Cell: (780) 221-7259  
 Email: lawrence.fraser@ualberta.ca  
 Web: <http://www.protectiveservices.ualberta.ca>

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**Paige Gorsak <gorsak@ualberta.ca>**  
**To: Lawrence Fraser <laf1@ualberta.ca>**

16 November 2015 at 11:09

Hi Lawrence! I'm so sorry for the delay. I got a bit overwhelmed with my workload upon getting back to Edmonton. I will be on campus tomorrow. Do you have any time to meet then?

Paige

Sent from my iPhone  
 (Quoted text hidden)

---

**Lawrence Fraser <laf1@ualberta.ca>**  
**To: Paige Gorsak <gorsak@ualberta.ca>**

17 November 2015 at 06:56

17/11/2015

University of Alberta Mail - UAPS (File 2015-0577)

Good morning Paige,

Yes, I am available to meet with you today, any time between now and up until 3:00 pm today.

Best regards,

Lawrence

Lawrence Fraser  
Investigative Services Division

University of Alberta Protective Services  
11390 - 87 Avenue  
Edmonton, AB  
Canada T6G 2R5  
Cell: (780) 221-7259  
Email: lawrence.fraser@ualberta.ca  
Web: <http://www.protectiveservices.ualberta.ca>

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[Quoted text hidden]

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Paige Gorsak <gorsak@ualberta.ca>  
To: Lawrence Fraser <laf1@ualberta.ca>

17 November 2015 at 12:44

Hi Lawrence, I am meeting a professor shortly. What if I come by at 2 pm?

Thanks,

Paige

Sent from my iPhone

[Quoted text hidden]

---

Lawrence Fraser <laf1@ualberta.ca>  
To: Paige Gorsak <gorsak@ualberta.ca>

17 November 2015 at 12:48

2 pm would be great. See you then.

Lawrence

Lawrence Fraser  
Investigative Services Division

University of Alberta Protective Services  
11390 - 87 Avenue  
Edmonton, AB  
Canada T6G 2R5  
Cell: (780) 221-7259  
Email: lawrence.fraser@ualberta.ca  
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Lawrence Fraser &lt;laf1@ualberta.ca&gt;

---

**UAPS / File 2015-0577**

1 message

---

**Lawrence Fraser** <laf1@ualberta.ca>

18 November 2015 at 14:13

Bcc: Zoe Chaytors &lt;chaytors@ualberta.ca&gt;, Telisa Courtney &lt;telisa@ualberta.ca&gt;, Claire Edwards &lt;cae1@ualberta.ca&gt;, Paige Gorsak &lt;gorsak@ualberta.ca&gt;

Good afternoon everyone;

I've intentionally Bcc'd the correspondence to everyone, to respect everyone's privacy.

I wish to inform each of you that the Code of Student Behaviour (COSB) investigation into the alleged COSB violation (disruption) by the protester / demonstrator group has now been completed. The investigation determined that there was insufficient evidence to substantiate the alleged violation; therefore, the UAPS file / report is being completed; please consider this matter now closed.

Best regards,

Lawrence Fraser  
Investigative Services DivisionUniversity of Alberta Protective Services  
11390 - 87 Avenue  
Edmonton, AB  
Canada T6G 2R5  
Cell: (780) 221-7259  
Email: [lawrence.fraser@ualberta.ca](mailto:lawrence.fraser@ualberta.ca)  
Web: <http://www.protectiveservices.ualberta.ca>

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## UAPS (File 2015-0577) Formal Complaint

1 message

Lawrence Fraser <laf1@ualberta.ca>

26 October 2015 at 13:36

To: Amberlee Nicol <amberlee@ualberta.ca>, Kianna Owen <kianna1@ualberta.ca>, Cameron Wilson <crwilson@ualberta.ca>

Good afternoon Ms. Nicol, Ms. Owen, and Mr. Wilson,

Unfortunately, the report that you had filed with UAPS during the winter 2015 term, regarding the inappropriate behaviour / concerns of the protesters/demonstrators, at the two day event of the Go-Life Club; that had been held in Quad; has not been resolved at the present time..

Please allow me to explain! At the time of the event and after the event had occurred, UAPS had received numerous reports; the reports of complaint consisted of the following:

- a) Go-Life Club had filed a complaint against the protesters/demonstrators that had attended the two day event; and others.
- b) Individuals had filed complaints against the Go-Life Club and its members.
- c) Individuals had filed complaints against the University department who had approved the Go-Life Club two day event held in Quad.

Initially, after UAPS had received the numerous complaints, I was then tasked to connect with each complainant, from the above category, to determine who wanted to pursue a formal complaint and then acquire that individuals formal complaint (written complaint/statement). To which, each complainant was then contacted, and if that complainant wanted to proceed with a formal complaint, their written complaint/statement was then acquired. After completing the above, I compiled my written reports in relation to the above mentioned categories, which was completed back in April 2015.

At that time, decisions then needed to occur, one decision being as to which office was going to investigate the complaint / category that had been reported, plus other decisions that were specific to each report. Unfortunately at the time, the previous UAPS Director had retired in late December 2014 and a new Director was being sought by the University; at the time, an acting Director had been appointed. In late April 2015, a new Director had been hired; however, a new opportunity presented itself for that individual, and the individual subsequently tendered their resignation as Director at UAPS. That individual unfortunately was unable to complete the decisions that needed to be made concerning the reports. Later, the University hired/acquired a new Director, who filled the position at the beginning of September 2015. The new Director then acquired the necessary decisions that needed to be made concerning the report(s) that had been made to UAPS.

As a result, here is the decision going forward;

- a) Complaints against the registered Student Group; the Go-Life Club; from the two day event; are being forwarded to the Dean of Students' Office of their investigation / decision / recommendation. The UAPS file will be forwarded within the next business day.
- b) Complaints against the protesters/demonstrators at the two day Go-Life Club event, will be investigated by UAPS / decision / recommendation. The investigation will now proceed forward at this time.
- c) Complaints against the University department, responsible for approving the two day Go-Life Club event in Quad; the complaints are not to be investigated by UAPS; UAPS has no authority to investigate another department; the complainants are being directed to contact either the student Ombudservice and/or the Human Rights and Safe Disclosure Office, for their advice, if the complainant, wishes to pursue their complaint against the University department.

Again, my deepest apologies in not being able to get back to you in a much more timely manner; the above information is not an excuse or reason for the delay, but to provide you with information that may provide some understanding as to what had occurred. If you have additional questions or concerns, please feel free to contact

me.

Best regards,

Lawrence Fraser  
Investigative Services Division

University of Alberta Protective Services  
11390 - 87 Avenue  
Edmonton, AB  
Canada T6G 2R5  
Cell: (780) 221-7259  
Email: [lawrence.fraser@ualberta.ca](mailto:lawrence.fraser@ualberta.ca)  
Web: <http://www.protectiveservices.ualberta.ca>

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laf1@ualberta.ca ▾

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IDs 105 items

A - Organizers, Uni...

Adam Biddulph (3)

Alanna Michelle M...

Alicia Naundorf (1)

Alli Lewis (1)

Amanda Beaudin (1)

Amanda Warnock (1)

Antonio Alessio (1)

Arianna Biasini (2)

Bailey Higgins (1)

Becky Smith-Mandi...

Ben Jang (2)

Ben Sugars (1)

Bhaskar Swaroop (2)

Bre Hart-Dowhun (1)

Breanne Schroter (1)

Brent Franco (1)

Bria Said (1)

Browen Hunter La...

Caitlyne Hawrelak (2)

Cameron Mendoza...

Carlie Marie Baker...

Caroline Duan (1)

Cecily Perry (3)

C  
Cellina Heang (3)

Chantelle Riley (1)

Chase (Charles) Le...

Chloe Anne (5)

Christine Duke (1)

Claire Alexandra Br...

C  
Claire Bonneau (1)

—  
Cole Evans (1)

Colin Markus Strou...

Courtney Lamb (1)

Courtney Ross (1)

Daniella Marchand...

David Doucette (4)

Eileen Lennon Edw...

Elaine Laberge (1)

C

—

Elizabeth Yu (2)

Emily Marriot (1)

Erin Handerek (1)

C

Erin Smith (1)

Fiona Masden (1)

Gemma Marcinkos...

—

Haley Cairns (1)

Hannah Kirchenba...

Jamie Hudson (1)

C

Janel Comeau (5)

Jayden Bearcheil (1)

Jen Stanfel (2)

organizers4.PNG

organizers4.PNG

organizers4.PNG content

speech1.PNG

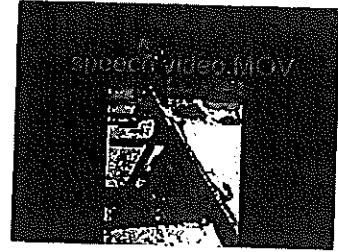
organizers5.PNG

organizers5.PNG

organizers5.PNG content

organizers5.PNG content

speech2.PNG



speech3.PNG content

speech3.PNG



Thumbs.db



trio.PNG



trio2.PNG

trio3.PNG content

trio3.PNG

triochat.PNG content

triochat.PNG

triochat2.PNG content

triochat2.PNG



zoeandclaire.PNG







**Brian Steele**

March 4 at 7:50pm · 🌐

Thanks to everyone who came out, thanks to my fellow organizers, you all rock. I'm still overwhelmed by the amount of support that we received. Its been an exhausting and very rewarding week. I'm going to go back to being an introvert now and slip back into relative obscurity... at least until there's another injustice on campus.

Share

👍 Bria Sald and 63 others like this.

💬 View 9 more comments



**Claire Edwards** Yeeeeeeeeeeah sorry to burst your bubble but you're not going anywhere. This fight ain't over. ROBIN hasn't heard the last of us

March 4 at 11:41pm · 🌐 4





Zoe Katharine

Yeah just some basics maybe : meet in cab at 9am, bring posters and love, keep a level head, celebrate pride, be safe



Claire Edwards

I think we need to emphasize that we will block the display or maybe not



**Kelsey Dawson**  
3 mins

**Super big special thanks to Brian, Claire, and Zoe for organizing everything! Everyone should be so proud of themselves, we did something awesome this week!**

Like · Comment · Share

Make UALBERTA a Safe Space! Protest Go Life's Graphic Anti-Choice Display.

Carla Welbo  
Edit Profile

MY EVENTS

- Upcoming
- Calendar
- Past
- Create

# Let's talk, not

03 Make UALBERTA a Safe Space! Protest Go Life's Graphic Anti-Choice Display.

Public Hosted by Brian Steele and 4 others

March 3 - March 4  
Mar 3 at 9:00am to Mar 4 at 4:50p

UALBERTA Main Quad

Clare Edwards  
Tessa Courtney  
Zoe Katharine  
Ridge Gursak

CLARE ABOUT SOMETHING! APR 5

Clare, Bris and 6 other friends went

1.6k went 145 maybe 4.1k invited

RELATED EVENTS

The University of Alberta is allowing a student group to hold an event in the main quad during Pride that aims to shame individuals who have made choices about their own bodies.

In response, we are holding an event that will be held between 9AM and 4PM on March 3rd and 4th.



Sophia Duch Thank you, Brian, Zoe, and Claire so much for organising. You brought the passion and community out of us!

March 4 at 4:14pm · Like · 24



**Mike Hudema**

March 3 at 10:33pm · Edited ·

"We will not let hate trump love. Not today. Not ever."

Claire Edwards and Zoe Katharine. #BAM

Hope to see everyone out again tomorrow. Much love and solidarity.

Like · Comment · Share

Claire Edwards and 12 others like this.



Claire Edwards

11 hrs

In case you missed it, here's the speech that Zoe Katharine and I gave just before the Pride parade started:

"HELLOOOOOO UALBERTA!

MY NAME IS CLAIRE EDWARDS

MY NAME IS ZOE CHAYTORS

AND WE ARE HERE TODAY TO

TAKE. BACK. OUR. CAMPUS.

WHEN WE HEARD THAT THIS GROUP WAS ALLOWED TO SET UP SOMETHING SO DISTURBING, SO OFFENSIVE, SO AND INACCURATE IN SUCH A PUBLIC PLACE

WE WERE ANGRY

WHEN WE FOUND OUT THAT THIS DISPLAY WOULD BE TAKING PLACE DURING PRIDE

- A TIME TO CELEBRATE, DIVERSITY, INCLUSION AND SAFE SPACES FOR ALL

WE WERE SHOCKED, APPALLED, AND ASHAMED OF OUR UNIVERSITY.

AND WE KNOW THAT YOU FELT THE SAME.

MANY WOMEN HAVE COME FORWARD TO US, SHARING THEIR STORIES OF STRENGTH

WOMEN WHO CONSIDERED NOT GOING TO CLASS TODAY, BECAUSE THE IMAGES BEHIND US ARE NOT AIMED TO START DIALOGUE

THEY ARE AIMED TO SHAME WOMEN.

HUNDREDS OF YOU HAVE REACHED OUT, MADE POSTERS,  
SIGNED OUR BANNER. AND RAISED YOUR VOICE IN FAVOUR OF  
SAFE SPACES FOR ALL.

BECAUSE IF OUR DEAN OF STUDENTS WON'T DO IT?

WHO WILL? (We Will!!!)

BECAUSE IF OUR PRESIDENT WON'T DO IT?

WHO WILL? (We Will!!!)

WE WILL NOT ACCEPT HARASSMENT UNDER THE GUISE OF  
FREEDOM OF SPEECH.

WE WILL NOT ACCEPT AN ADMINISTRATION THAT SHOWS SO  
LITTLE REGARD FOR THE MENTAL HEALTH OF THEIR OWN  
STUDENTS AND STAFF.

AND WE WILL NOT ACCEPT ANY LIMITATION ON OUR ABILITY TO  
BLOCK THIS HATEFUL, DECEITFUL DISPLAY.

WE WILL NOT BE SHAMED. WE WILL NOT BE SILENCED. AND WE  
WILL NOT APOLOGIZE.

THANKS TO YOU - THIS WILL BE THE LARGEST PRIDE IN THE  
HISTORY OF THE UNIVERSITY OF ALBERTA.

WE WILL NOT LET HATE TRUMP LOVE. NOT TODAY. NOT EVER.  
NOT HERE.

WHOSE CAMPUS?

OUR CAMPUS!

WHOSE CAMPUS?

OUR CAMPUS!"

Like · Comment · Share

👍 Bria Said, Navneet Khinda, Blue Knox and 472 others like this.



Gary Frank Not having seen the display, I admit that I can't really come to a solid conclusion about this incident. So I'll bow out now and wish you all a constructive and tolerant dialogue.

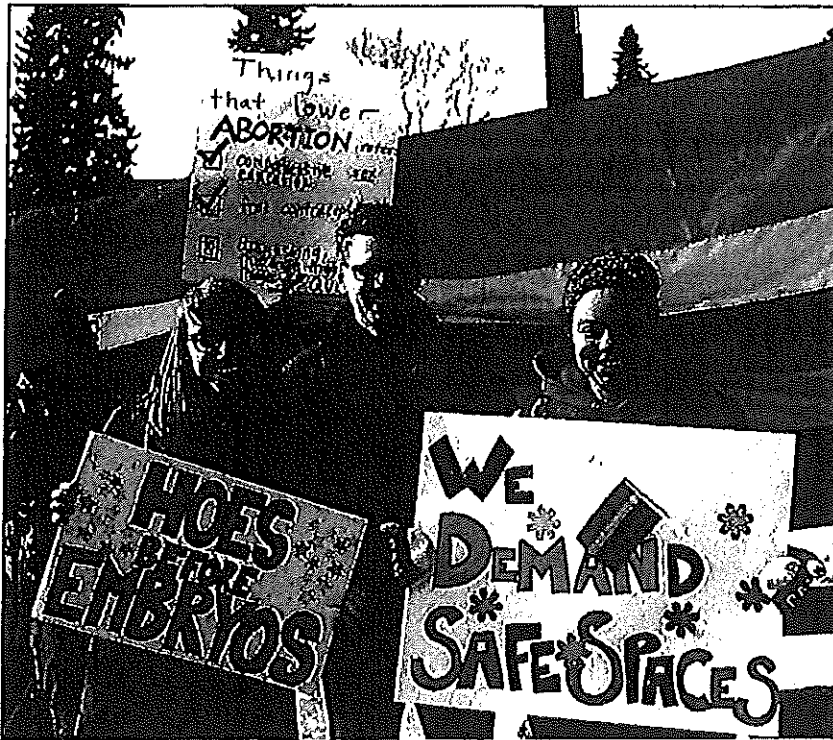
4 hrs · Like · 1





Claire Edwards Gary! You could come check it out tomorrow, but fair warning - we will be doing our very best to cover it 😊

2 hrs · Like










 Logan E. Bolton > Make UALBERTA a Safe Space! Protest Go Life's Graphic Anti-Choice Display.  
34 mins · 

With Claire Edwards and Zoe Katharine

Like Comment Get Notifications Share

 Claire Edwards and 10 others like this.

 Claire Edwards **BADES**  
16 mins · Like ·  31

 Write a comment. 12 ·   
Post Embroider

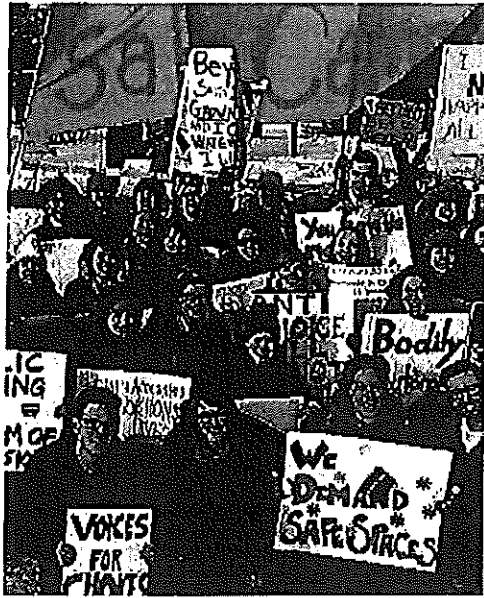
Suggested Pages See All

 Sex time  
214 people like this  
 Like · 1

People You May Know See All

 Aishat Adedolapo Awofunde  
2 mutual friends  
 Add Friend

 Adeayo Zainab (Hennyweath)  
25 mutual friends  
 Add Friend





**Brian Steele**

March 4 at 7:50pm · 📍

Thanks to everyone who came out, thanks to my fellow organizers, you all rock. I'm still overwhelmed by the amount of support that we received. Its been an exhausting and very rewarding week. I'm going to go back to being an introvert now and slip back into relative obscurity... at least until there's another injustice on campus.

Share

👍 Bria Said and 63 others like this.

💬 View 9 more comments



**Claire Edwards** Yeeeeeeeeeeah sorry to burst your bubble but you're not going anywhere. This fight ain't over. ROBIN hasn't heard the last of us

March 4 at 11:41pm · 📍 4



**Zoe Katharine Realy** - this was just the beginning. Hang on friends. We have a serious battle ahead.

March 4 at 11:53pm · 📍 6



**Brian Steele** Alrighty then! #CANTSTOP #WONTSTOP

March 4 at 11:54pm · Edited · 📍 5



**Claire Edwards**

Should we say anything about what UAPS is trying to do?

We need a core of us willing to link arms in front of the display.



**Zoe Katharine**

No - I would let people decide where they want to stand. Not everyone will feel comfortable blocking and some will. They can decide when they get there where they want to stand.



**Brian Steele**

I agree with zoe



**Claire Edwards**

For sure.

You're right



**Carly Marie Baker**

I wanna be in this core

I'll be there at 9!



**Claire Edwards**

I'm making signs that say "my freedom of expression allows me to stand in front of this display"



**Claire Edwards**  
What's up I'm coming back. Talked to  
Risk management



**Brian Steele**  
I duckd inside



**Zoe Katharine**  
Just in class. Back in 30 minutes



laf1@ualberta.ca

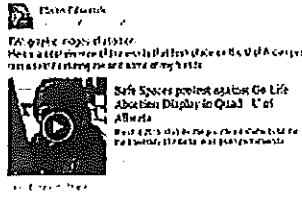
# Google Drive

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IDs > ... > Claire Edwards 27 items



claire.PNG



claire2.PNG



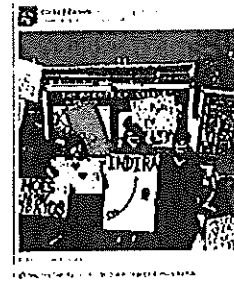
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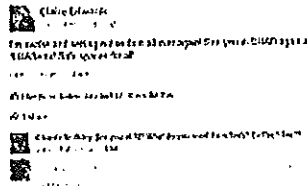
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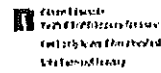
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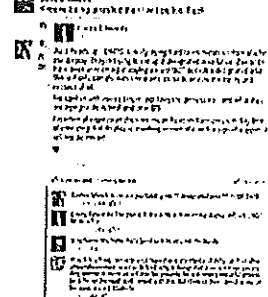
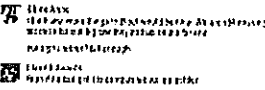
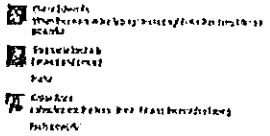
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claire8.PNG



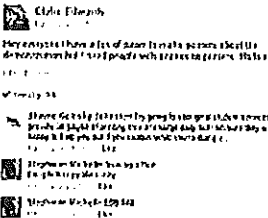
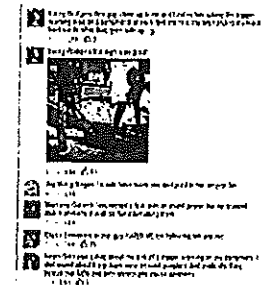
clairechat.PNG



clairechat5.PNG

clairechat6.PNG

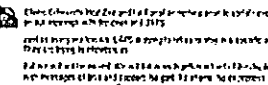
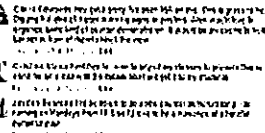
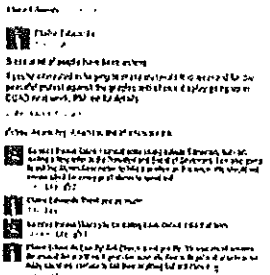
clairedisobeyingUA...



clairefollowingavolu...

clairefollowingavolu...

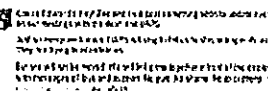
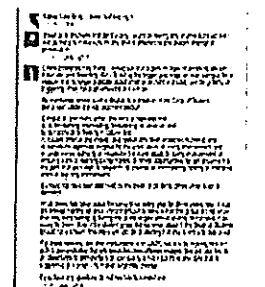
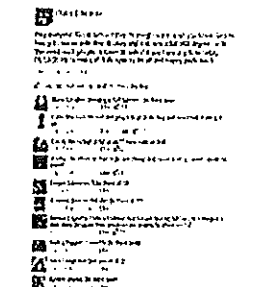
clairealliesthetroop...



clairerecruiting.PNG

clairesuggests.PNG

claireupdate.PNG

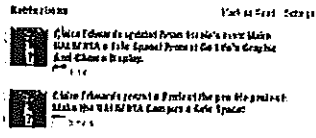


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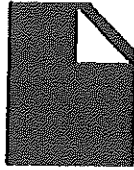
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intent.PNG

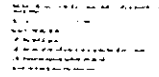




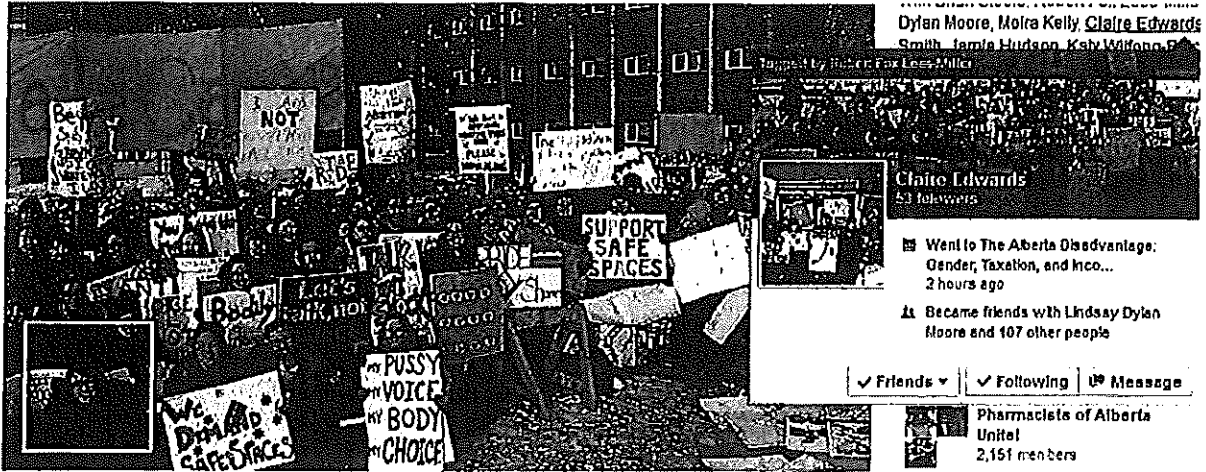
namechange.PNG



Thumbs.db



Video Evidence.docx





**Claire Edwards**

Yesterday at 11:57am

**TW; graphic images of abortion**

Here's a cool overview of the events that took place on the U of A campus last week! Featuring me and some of my friends.



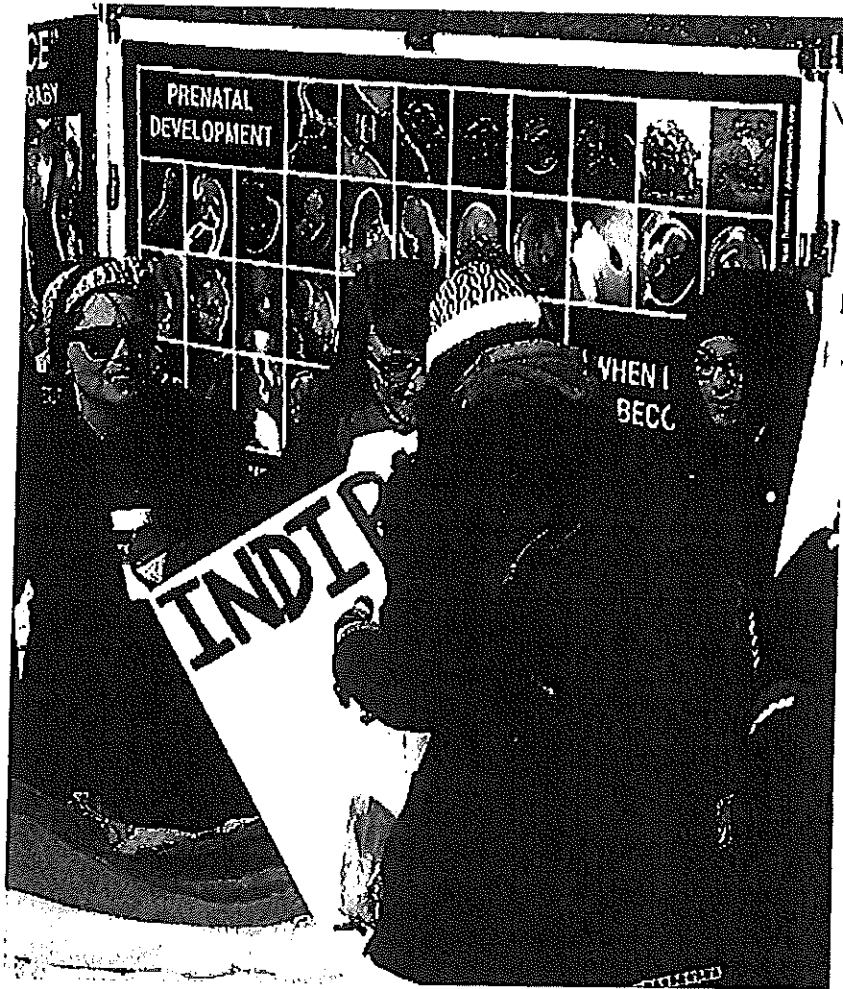
**Safe Spaces protest against Go Life Abortion Display in Quad - U of Alberta**

March 4 2015. Go Life, the pro-choice student club for the University of Alberta, was given permission to...

[YOUTUBE.COM](#)

Like · Comment · Share









Claire Edwards changed her profile picture.  
Yesterday at 9:33pm · Edited ·



Unlike · Comment · Share

👍 You, Bria Said, Navneet Khinda, Blue Knox and 104 others like this.



Claire Edwards updated her cover photo.

March 4 at 8:47pm · 🌐



Like · Comment · Share

👍 Bria Said, William Lau and 80 others like this.





**Claire Edwards**

March 4 at 7:32am · 🌐

I'm awake and setting out to do it all over again! See you in QUAD again at 9 UAlberta Safe spaces for all!

Like · Comment · Share

👍 Blue Knox, William Lau and 42 others like this.

🔗 1 share



**Chantelle Riley** See you at 12! What do you want from Tim's? Coffee? Tea??

March 4 at 8:49am · Like



Write a comment..

👍 1

Press Enter to post



Claire Edwards

Yeah If that happens for sure

I will only leave if I'm arrested

Like I am not leaving



Claire Edwards  
Woot woooooot

I still want to have a lil protest party in quad with my new friends!!!!!!



Brian Steele





Janel Comeau

By covering them, we give people the choice whether or not to look.  
Which is the one thing we asked the university for.



Claire Edwards

we have to create a path

for people to go in

but it can be on the side or something



Claire Edwards  
we will negotiate tomorrow

I am a hard ass

I will probably be arrested tomorrow tbh



Brian Steele  
#yolo



Jessie Obacz  
If you're being arrested then I will be too. Fuck.

You're not alone.



Kaylee Wowk  
haha yolo. lets just make sure we arent all arrested we need sheet  
holders for thursday too! lol



Claire Edwards

When they were video taping I looked right into their lens I felt so powerful



Stephanie Michelle

I waved and smiled

Haha



Chloe Anne

I shouted into the lens I think. If it was them video taping, feels powerful.



**Chloe Anne**

I think any more things to block would be nice. We are still missing blockies for that big one they had up on the far end.

our signs weren't tall enough.



**Claire Edwards**

Yeah if he can get it to campus we will be golden



Claire Edwards

44 mins

As a heads up - UAPS is really trying hard to intimidate us from blocking the display. They're trying to set up a designated area for us. Zoe and I have been unrelenting in saying we will NOT accept a designated area. We will only comply with limitations so as to ensure the safety and respect of all.

I've spoken with voices I trust - not lawyers, professors - and what they are trying to do is total and utter BS.

Freedom of expression does not mean freedom from criticism. My form of criticizing that display is standing in front of it with a sign of support. I will not be moved.



Like Comment

Kyle Ian and 22 others like this.

Seen by 65



Kylee Wowk wow are you kidding me?? designated area??! FUCK THAT

31 mins · Like · 1



Claire Edwards The plan is to link arms in front of the display. WE WILL NOT BE MOVED!

31 mins · Like · 5



Stephanie Michelle Haha good luck moving me. I'm sturdy

7 mins · Like



Nhu Trieu if we can reference reasonable standards of distance from other universities/cases, we can defend why a designated area is not necessary. Any attempt to move us will then be grounds for preventing peaceful protest (and I'm not the most well-versed with this, but I believe they cannot arrest us because we are students).

1 min · Like · 1





Karey Rodgirs One guy came up to me and I asked him where the trigger warning was on a pamphlet that says "pro life." He started handing them out backwards after that, gore side up. 😏

5 hrs · Like · 🍷 3



Karey Rodgirs this sign was great!



5 hrs · Like · 🍷 41



Jay Vung Megan-I would have taken one and put it in the recycle bin

4 hrs · Like



Marissa Gutsch I countered a few with an event poster for my student club. Hehehehe it was so fun interrupting them.

3 hrs · Like



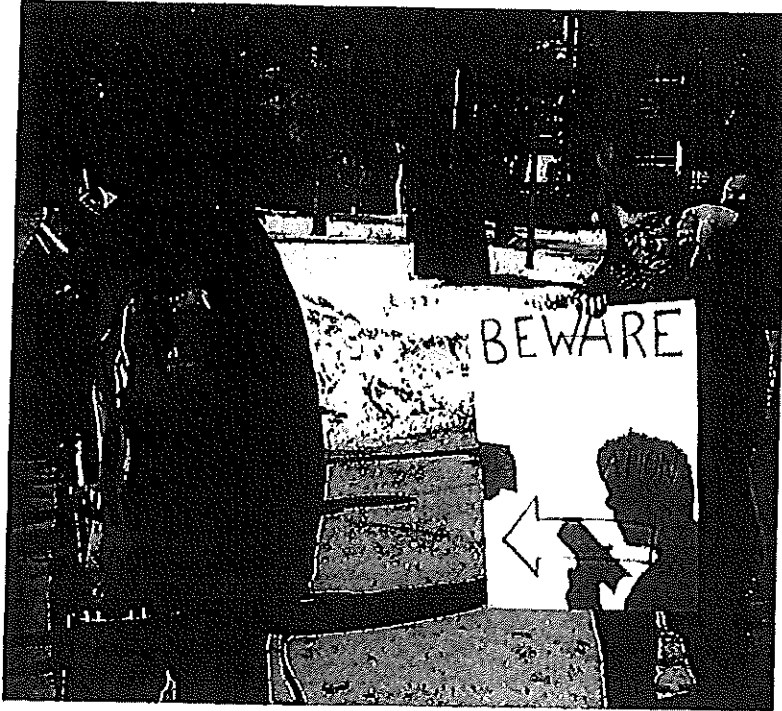
Claire Edwards lol that guy HATED ME for following him around


3 hrs · Like · 🍷 20



Noori Gill I also asked about the lack of a trigger warning on the pamphlets. I also asked about the groups view on contraception, and evidently, they believe that IUDs and birth control pills cause abortions.

1 hr · Like · 🍷 1



 Claire Edwards  
March 4 · 1 ·  
[View on Instagram](#)


My favourite photo from today. Here I am following around an anti-choice non-student who was harassing students as they walked to class and passing out those disgusting, misleading pamphlets. This picture captures my exhaustion/frustration accurately.


Thank you to everyone who came out in support of safe spaces! I have never felt such a sense of community on campus. There were so many times I felt moved to tears by the love around me.

Over the past few days many women have approached me and shared their stories of strength. I want you to know that no matter what - there are hundreds of us on campus who support your right to choose. We're going to do everything we can to make sure this doesn't happen again. Stay tuned.

Whose campus? Our Campus. Peace, love and solidarity. Forever.

Like · Comment · Share

 Bris Said, William Lau and 82 others like this.

 Emily Read You are a hero Claire.  
March 4 at 7:45pm · Like · 4



**Claire Edwards**

March 2 at 10:15am

Hey everyone I have a ton of paper to make posters about the demonstration but I need people with access to printers. Holla at me!!!!!!

Like · Comment

✓ Seen by 166



Shayne Golosky-Johnston Try going to aboriginal student services they provide 30 pages of printing free of charge daily but I am sure they would be happy to help you out if you explain what you're doing 😊

March 2 at 11:11am · Like



Stephanie Michelle I'm in my office

Can photocopy like crazy

March 2 at 2:01pm · Like



Stephanie Michelle ESB 448

March 2 at 2:01pm · Like

Claire Edwards commented on this



**Claire Edwards**

23 hrs · ↻

Since a lot of people have been asking:

If you're interested in helping to make materials this weekend for the peaceful protest against the graphic anti-choice display going up in QUAD next week, PM me for details.

Unlike · Comment · Share

👍 You, Alberta Prg, William Lau and 25 others like this.



**Samten Palmo** Claire, I cannot come (living outside Edmonton) but I am writing a fiery letter to the President and Board of Governors. I am also going to ask the Alumni Association to take a position on this issue. We should not remain silent. I encourage all alumni to speak out.

1 hr · Like · 👍2



**Claire Edwards** Thank you so much!

1 hr · Like



**Samten Palmo** Thank you for calling it anti-choice. I like that term.

34 mins · Like · 👍1



**Claire Edwards** Exactly! Anti Choice is not pro life. Thousands of women die around the world each year because abortion is legal and unsafe in so many countries. I refuse to call them anything but anti choice 😊

8 mins · Like



Claire Edwards Hey! Zoe and I will post something soon to update everyone on our meetings with the dean and UAPS.

Just so everyone knows. UAPS is trying to tell us to stay in a specific area. They are trying to intimidate us.

But we will not be moved. We will link arms together in front of the display with messages of love and support. No guilt. No shame. No exceptions. ❤️

March 2 at 5:15pm · Like · 👍 16



**Claire Edwards**  
March 4 at 10:11am

Hey everyone. Great turn out this morning! I want to let you know Go Life has got creative with their display and it is now a full 360 degree circle. We need more people to cover all sides! If you have any time today PLEASE try to make it! Safe spaces for all and happy pride week.

Like Comment · Share

Bria Said, Nicholas Díaz and 89 others like this.



**Maya Candler** Bringing a 15ft banner - be there soon!  
March 4 at 10:12am · Like · 74



**Colin Markus Stroud** Bringing a large pride flag, just need help holding it up.  
March 4 at 10:17am Edited · Like · 17



**Cecily Perry** Ugh a full circle?? How rude us that.  
March 4 at 10:14am · Like · 2



**Amber Skelton** 30 foot tarps are cheap and cover a lot 😞 wish I could be there!  
March 4 at 10:15am · Like · 5



**Logan Libolron** I'll be there at 12!  
March 4 at 10:20am · Like



**Arianna Blasini** Will also be there at 12!  
March 4 at 10:22am · Like



**Renée Laporte** I noticed Global News even blurred out Go Life's images in their story because they are even too graphic to show on TV!  
March 4 at 10:23am · Like · 35



**Bailey Higgins** I want to be there asap!  
March 4 at 10:25am · Like



**Sara Laughton** See you all at 2!  
March 4 at 10:27am · Like



**Kaylee Wowk** Be there soon!  
March 4 at 10:29am · Like



Tellia Courtney ...nope. Not buying it.  
2 mins · Like · 0



Stephanie Michelle And don't worry I won't be feeling any shame but trust me I will be there to make sure no one else is affected by this blatant attempt at provocation.  
2 mins · Like · 3



Claire Edwarda Hey Klana. I would say that bloody images of embryos are still traumatic and disturbing. Go Life put up the trigger warnings all over campus for a reason. It is no longer a debate about whether or not the display will be graphic or triggering. They have advertised that it will be.

As mentioned before, such a display is a violation of the Code of Student Behaviour, under the Harassment section:

Conduct or comment, either one-time or repeated that:

- a) is demeaning, intimidating, threatening, or abusive; and
- b) is not trivial or fleeting in nature; and
- c) causes offence and should have reasonably been expected to offend; and
- d) serves no legitimate purpose for the work, study or living environment, and
- e) undermines authority or respect in the work, study or living environment, or impairs work or learning performance, or limits opportunities for advancement or the pursuit of education or research, or creates an intimidating, hostile or offensive work or learning environment.

It should not have been approved by the Dean of Students office under such a definition.

Pride Week has taken place the same time every year for three years now. It was advertised months advance. I find it difficult to believe that this group did not know that they were setting up during one of the largest annual events on campus! How lucky for them. Even if the student group did not know about it, the Dean of Students should have known. Therefore it'd still be protesting that this event was approved.

For these reasons, and after consultation with UAFB, we will be moving forward with a demonstration that will block the view of these images. We will use this as an opportunity to shift the tone on campus to a more positive one. One that is supportive of women - no matter what they choose.

If you have any questions do not hesitate to contact me.  
1 min · Like · 2



Claire Edwards Hey! Zoe and I will post something soon to update everyone on our meetings with the dean and UAPS.

Just so everyone knows. UAPS is trying to tell us to stay in a specific area. They are trying to intimidate us.

But we will not be moved. We will link arms together in front of the display with messages of love and support. No guilt. No shame. No exceptions. ❤️

March 2 at 5:15pm · Like · 🔄 16



Notifications

Mark as Read Settings



Claire Edwards updated Brian Steele's event **Make UALBERTA a Safe Space! Protest Go Life's Graphic Anti-Choice Display.**

1 min



Claire Edwards posted in **Protest the pro-life protest: Make the UALBERTA Campus a Safe Space!**

3 mins

"Safe Spaces protest against Go Life Abortion Display in Quad - U of Alberta" posted by Transition Edmonton Media:

<https://www.youtube.com/watch?v=rztV1eSW3U>

Key points in the video include:

1:47 – Claire listed as organizer

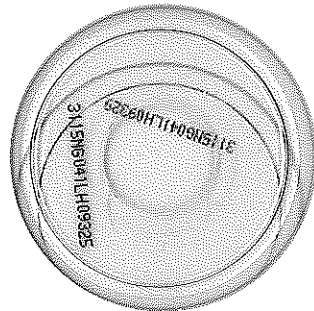
3:34 – Claire says that she's holding sign in reaction to volunteers talking to onlookers

11:16 – Claire admits to ignoring, disobeying UAPS warnings

The video clip can also be found in the 'Videos' folder.

**Action No. 0603 037352**

**Amended Certified Record of Proceedings  
(4 February 2016 Decision)**



**TAB 5, Page 173**

**"Safe Spaces protest against Go Life Abortion  
Display in Quad – U of Alberta"**

# Google Drive

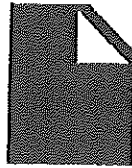
laf1@ualberta.ca

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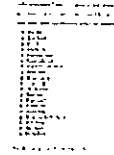
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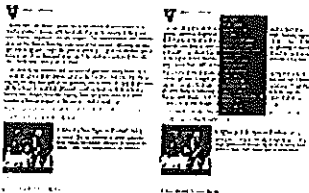
smartaswell.PNG



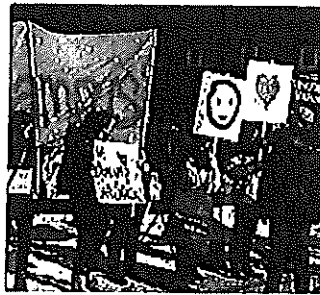
Thumbs.db



videoid.docx



videoidnames.png



zoe1.PNG



zoe2.PNG



zoe3.PNG

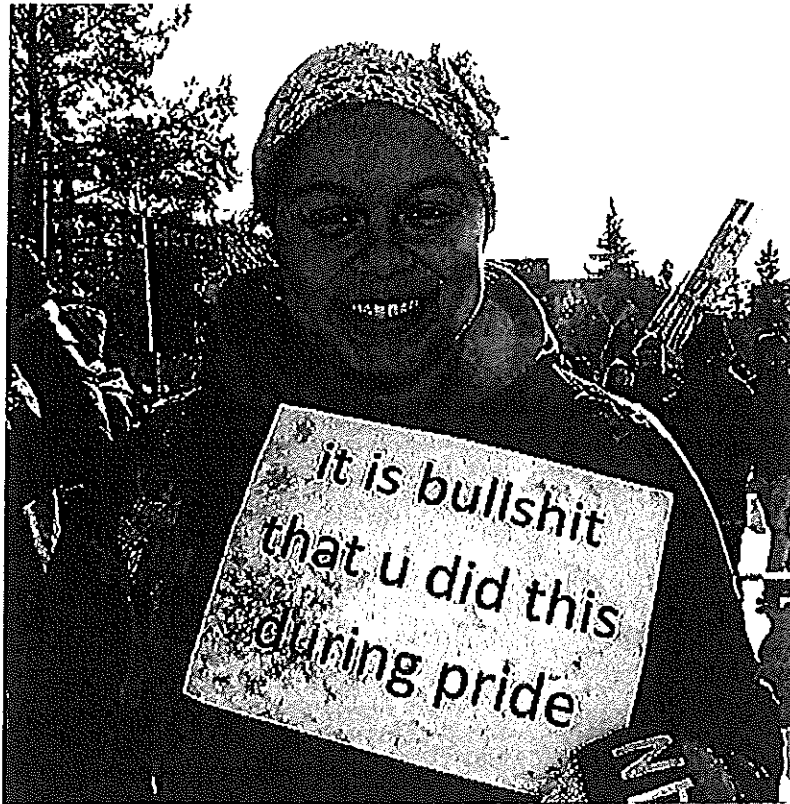


zoe4.PNG



zoe5.PNG

Zoe Katharine changed her profile picture.  
3 hrs · 🌐



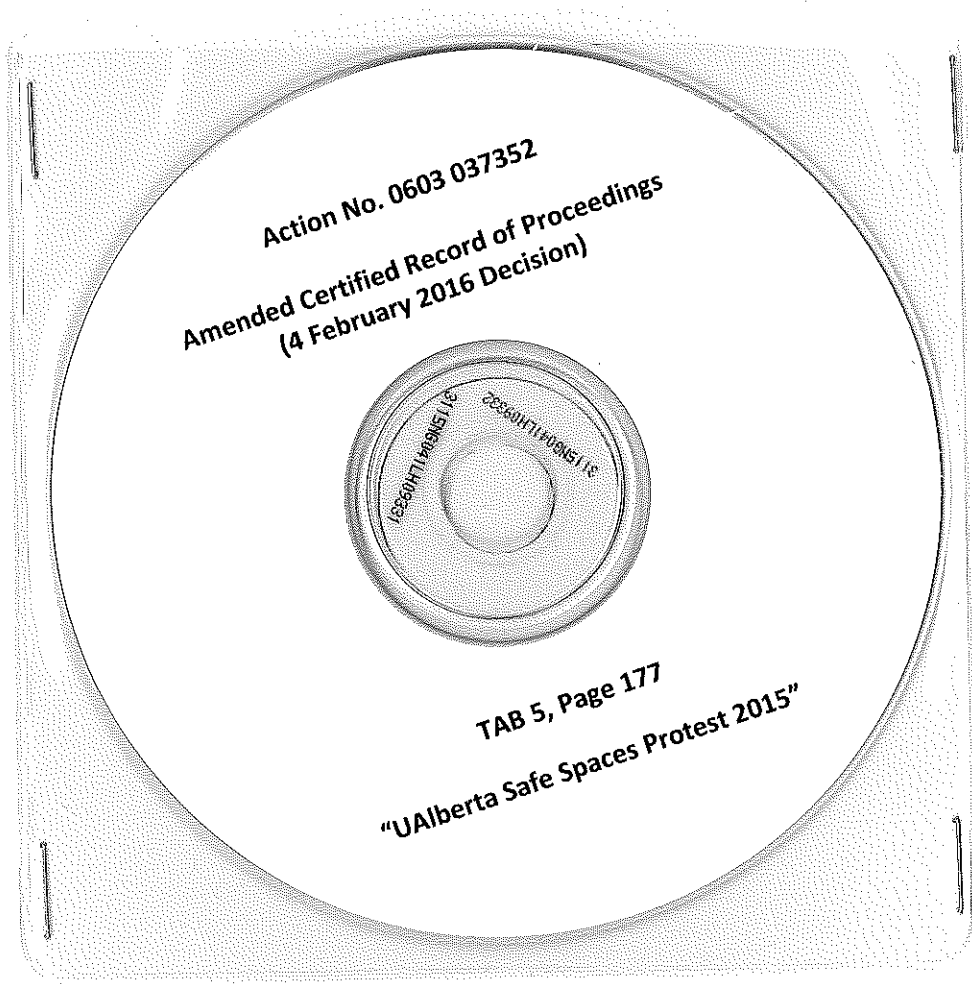
"UAlberta Safe Spaces Protest 2015" posted by Janel Comeau:

<https://www.youtube.com/watch?v=wEtem5eNpIE&feature=youtu.be>

People whom Comeau has identified as being in the video include:

- Bria Said
- Brian Steele
- Zoe Chaytors
- Kyle Wilson
- Stephanie Ibson
- Ravanne Zaharko
- Robert Fox Lees-Miller
- Nisha Patel
- Wesley Vuong
- Tony Luong
- Zak Dattadeen
- Cole Evans
- Chace Lewis
- Antonio Alessio
- Lauren Emery
- Miriam Barker-Rothschild
- Molra Kelly
- Ben Sugars
- Rachel Buehl

The video clip is also saved in the 'Video' folder.





Janel Comeau

March 6 at 5:14pm Edmonton

For two days this week, I stood out in the middle of quad in front of a graphic abortion display with hundreds of amazing people, holding signs and chanting slogans of love and support. The demonstration successfully shielded the display from the main view of the campus, allowing students and staff to go about their day without distress. I could not be more proud to be a part of this demonstration, and I decided to celebrate it the only way I know how - with a music video.

If you were at the protests and you noticed you were being filmed by a creepy girl with a bright purple camera, don't worry - that was me! Please tag anyone who took part in the protests, since there's no way I'll get them all. Also keep in mind that although I tried my best not to include any frames with images from the display, there are a few shots that show corners or blurred images of the posters. Just a heads up.

<https://www.youtube.com/watch?v=wEtem5eNpIE&feature=youtu.be>

— with Claire Edwards and 19 others.



### UAlberta Safe Spaces Protest 2015

On March 3 & 4, the University of Alberta approved a large, graphic anti-abortion display to be placed in the middle of Main Quad, where most of the students...

YOUTUBE.COM

Like · Comment · Share

👍 Bria Said and 28 others like this.



Janel Comeau

March 6 at 5:14pm Edm

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### UAlberta Safe Spaces Protest 2015

On March 3 & 4, the University of Alberta approved a large, graphic anti-abortion display to be placed in the middle of Main Quad, where most of the students...

YOUTUBE.COM

Like · Comment · Share

👍 Bria Said and 28 others like this.

- Bria Said
- Erin Moore
- Zoe Katharine
- Kyle Liu
- Stephane Michels
- Rayanne Zimario
- Bahari Fox-Less-Miller
- Justin Patel
- Wesley Murray
- Tony Lucero
- Zak Bellafant
- Colin Evans
- Chloe Lewis
- Zelena Alessa
- Lauren Enery
- Naomi Harter-Bethards
- Meera Kelly
- Ben Sagan
- Bachel (Hoot)

quad in front of a people, holding signs onstration successfully ds, allowing students uld not be more proud celebrate it the only

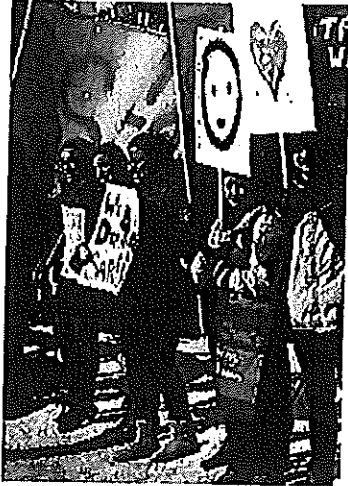
being filmed by a - that was me! Please re's no way I'll get them not to include any y shots that show ads up.

feature=youtu.be

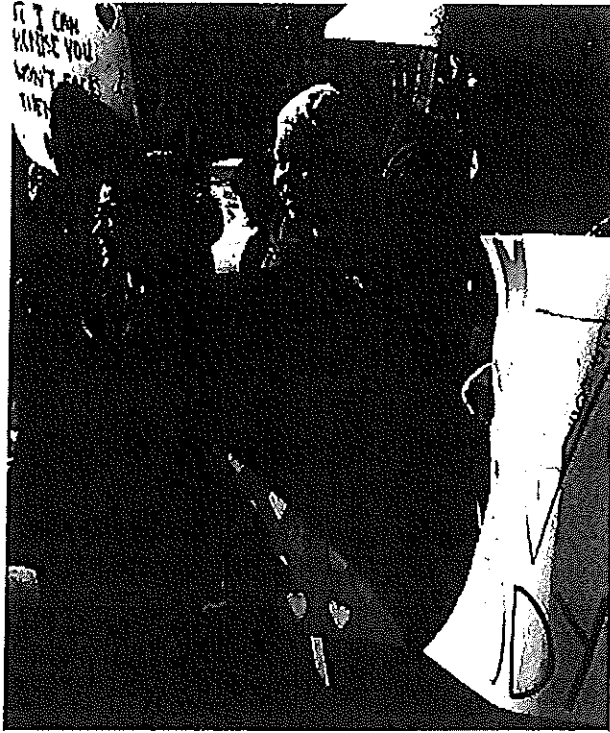












# Google Drive

laf1@ualberta.ca ▾

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IDs > ... > Paige Gorsak (1) 2 items



Paige Gorsak - Pres...



paiegeorsak.PNG

Make UALBERTA a Safe Space! Protest Go Life's Graphic Anti-Choice Display.

Amberlee Hoot Edit Profile

MY EVENTS

- Upcoming 10
- Calendar
- Past
- Create

THIS WEEK

- Movie Night: Wrath of Khan Today at 8:00pm
- Weekly Meeting Tomorrow at 8:30pm
- #No2Trudeau Tweet-a-thon Friday at 7:00am
- Games Night Friday at 8:00pm
- Party for Uth! Saturday at 6:00pm
- #No2Trudeau Campaign L... Saturday at 8:00am

# Let's talk, not

Make UALBERTA a Safe Space! Protest Go Life's Graphic Anti-Choice Display

Mar 03

Photo hosted by Brian Steele and 4 others

Going + ...

March 3 - March 4  
Mar 3 at 9:00am to Mar 4 at 4:50p

Teresa Courtney  
Clare Edwards  
Zoe Katherine  
Paige Gorsak

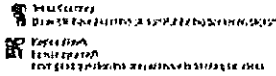
UALBERTA Main Quad

# Google Drive

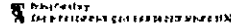
laf1@ualberta.ca ▾

Open in Drive

IDs > ... > Telisa Courtney (3) 3 items



telisacourtney.PNG



telisacourtney2.PNG



telisacourtney3.PNG





**Telisa Courtney**

Do we still have any of the sticks? Put the big banner on sticks?



**Kaylee Wowk**

human pyramid?

hmm good question tho. they will have to be really tall sticks



Telisa Courtney

Give 'er hell out there guys I will be back around 1130

Make UALBERTA a Safe Space! Protest Go Life's Graphic Anti-Choice Display.

Amberlee Niool  
Edit Profile

MY EVENTS

- Upcoming 10
- Calendar
- Past
- Create

THIS WEEK

- Movie Night: Wrath of Khan  
Today at 8:00pm
- Weekly Meeting  
Tomorrow at 6:30pm
- UoTweeTwee Tweet-a-tron  
Friday at 7:00pm
- Games Night  
Friday at 8:00pm
- Party for Life!  
Saturday at 8:00pm
- UoTweeTwee Campaign L...  
Saturday at 8:00pm

# Let's talk, not

Make UALBERTA a Safe Space! Protest Go Life's Graphic Anti-Choice Display.

Pub 2 - Hosted by Brian Steele and Acberg

March 3 - March 4  
Mar 3 at 9:00am to Mar 4 at 4:50p

UALBERTA Main Quad

Tessa Courtney  
Cliffie Edwards  
Zoe Katarina  
Paige Gonzalez

Going 0



## **CODE OF STUDENT BEHAVIOUR**

Note from University Governance: The *Post-Secondary Learning Act* gives General Faculties Council (GFC) responsibility, subject to the authority of the Board of Governors, over “academic affairs” (section 26(1)) and “general supervision of student affairs” (section 31), including authority concerning “student discipline.” GFC has thus established a Code of Student Behaviour, as set out below.

The complete wording of the section(s) of the *Post-Secondary Learning Act*, as referred to above, and any other related sections, should be checked in any instance where formal jurisdiction or delegation needs to be determined.

Last Updated October 1, 2015

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### 30.1 Introduction

The University is defined by tradition as a community of people dedicated to the pursuit of truth and advancement of knowledge, and as a place where there is freedom to teach, freedom to engage in research, freedom to create, freedom to learn, freedom to study, freedom to speak, freedom to associate, freedom to write and to publish. There is a concomitant obligation upon all members of the University community to respect these freedoms when they are exercised by others. For these freedoms to exist, it is essential to maintain an atmosphere in which the safety, the security, and the inherent dignity of each member of the community are recognized.

The enduring value of University life and of Degrees the University confers is also dependent upon the integrity of the teacher-Student learning relationship and upon the honesty and soundness of the evaluation process. Conduct by any member of the University Community that adversely affects this relationship or process must, therefore, be considered a serious offence.

Included in the *Code of Student Behaviour* are descriptions of unacceptable behaviour for Students in the University, the sanctions for commission of the offences, and explanations of the complete discipline and appeal processes. The definition of "Student" used in this document is a broad definition, one that includes current and former Students (see 30.2 for a definition of "Student"). Other members of the University Community, including Student Groups, are governed by other regulations. (GFC 03 FEB 2014)

The offences listed in the *Code of Student Behaviour* describe, in general terms, behaviours which if left unchecked would, to an unacceptable degree, infringe upon the freedoms described above and thus threaten the proper functioning of the University. Nothing in this Code shall be interpreted in such a way as to prohibit the activities or to violate the principles that are set out in the first paragraph of this section. Nothing in this Code shall be construed to prohibit peaceful assemblies and demonstrations, or lawful picketing, or to inhibit free speech. Nothing in this Code shall prevent the University from referring an individual matter to the appropriate law enforcement agency, should such action be considered necessary.

In order to protect the integrity of the Degrees conferred by the University, the University may suspend or rescind any Degree awarded to any graduate who, during the application process or while registered in a program or in a particular course in a program, commits an act of academic dishonesty which, if it had been detected before the granting of the Degree, would have resulted in a sanction sufficiently severe that the Degree would not have been granted.

The *Code of Student Behaviour* shall be followed in all cases of disciplinary action with Students except in situations where disruptive, threatening or violent conduct may inflict great harm to members of the University community or University property. In those cases the Protocol for Urgent Cases of Disruptive, Threatening or Violent Conduct (§ 91, General Faculties Council Policy Manual) will be followed before action is taken under the Code.

The Code of Applicant Behaviour provides charges, sanctions and procedures for application-related offences involving Applicants, as defined in section 11.8.3.4 of that Code. When a person registers for classes and has passed the Registration Deadline as published in Section 11 of the *University Calendar*, that person ceases to be an Applicant. Application-related offenses

identified after the Registration Deadline will be administered under the Code of Student Behaviour. (EXEC 04 MAY 2009)

The Appeals Coordinator, Dean of Students, Student OmbudService and Student Legal Services are available on-campus to provide assistance to Students about the discipline process.

### **30.1.1 Rights under the *Code of Student Behaviour***

- 30.1.1(1) Any Student who has been accused of having committed an offence under this Code has the right
- 30.1.1(1) a to choose whether or not to provide evidence and/or to be a witness in the case against himself or herself;
  - 30.1.1(1) b to be presumed not to have committed an offence until his or her commission of an offence has been established on the balance of probabilities, before an impartial and unbiased decision-maker;
  - 30.1.1(1) c to have his or her case adjudicated within a reasonable time;
  - 30.1.1(1) d to consult with an Advisor, to be accompanied and assisted at any investigative meeting with a Dean or Discipline Officer or UAB hearing by an Advisor, and to be advised of these rights;
  - 30.1.1(1) e to reasonable disclosure of the case of the person making the allegation against the Student within a reasonable time before the hearing of any appeal before the UAB;
  - 30.1.1(1) f to reasonable notice of the time, place, and nature of any investigative meeting or hearing;
  - 30.1.1(1) g to be given a reasonable opportunity to respond to any allegations before being found to have committed an offence under the Code;
  - 30.1.1(1) h in any appeal before the UAB, to present evidence, to call his or her own witnesses and to question any other witnesses called;
  - 30.1.1(1) i to be advised of the reasons for any decision made under this Code;
- 30.1.1(2) Any person who claims to have been physically injured, discriminated against or harassed, or who claims to have property damaged or stolen by a Student accused of an offence under this Code, whether or not that person is a Complainant, has the right;
- 30.1.1(2) a to be consulted before any informal resolution of any relevant charges against the Student is proposed to the Student;
  - 30.1.1(2) b to provide evidence of any injury or damage for which Restitution may be an appropriate remedy and to have that evidence communicated to the appropriate decision-maker under this Code;
  - 30.1.1(2) c to be informed of the time, date and place of any hearing respecting any relevant charges and to be consulted by the Dean or Director as to whether the person should be a witness at that hearing; and

- 30.1.1(2) d to be informed of the sanctions, if any, imposed on the Student in relation to any offence relevant to the person.

**30.2 General Definitions**

Within the *Code of Student Behaviour*, the following words have been specifically defined. They appear in alphabetical order. (GFC 03 FEB 2014)

- 30.2.1 **Academic File.** The file detailing a Student's academic progress held in the office of the Faculty in which the Student is enrolled and, for graduate students, in the office of the Department (or in non-departmentalized Faculties, the Faculty) responsible for delivery of the graduate program. (CLRC 24 MAY 2012)
- 30.2.2 **Academic Staff Member.** A faculty member, as defined in the UAPPOL Recruitment Policy (Appendix A) Definition and Categories of Academic Staff and Colleagues, from Categories A1.1, A1.6, their counterparts in A1.5 and A1.7 or on a post-retirement contract.
- 30.2.3 **Academic Standing.** "Academic Standing" means any matter covered in a Faculty's academic standing regulations as approved by GFC, its Executive or the GFC Academic Standards Committee (ASC) and as published in the Calendar. Academic standing comprises such matters as continuation in a program, promotion, graduation, and the requirement for a student to withdraw. Unless stated otherwise, changes to academic standing regulations affect new students, continuing students, and students readmitted to a program or Faculty. Students should refer annually to the Calendar for the academic standing regulations governing their degree programs." (University Calendar, Section 23.6) (CLRC 24 MAY 2012)
- 30.2.4 **Advisor.** A person who will assist the Appellant or the Respondent during the disciplinary process. Assistance may be provided by the Student OmbudService, Student Legal Services, legal counsel or another Advisor as the Appellant or Respondent choose.
- 30.2.5 **Appellant.** The individual who has appealed a discipline decision.
- 30.2.6 **Appeals Coordinator.** The person or delegate responsible for administration of the University Appeal Board and related Student discipline procedures. The role of Appeals Coordinator is carried out by the Appeals and Compliance Officer, a position appointed by and reporting to the Head (or delegate) of University Governance. (CLRC 22 NOV 2012)
- 30.2.7 **Application-Related Offence.** Any offence committed by a person related to the act of applying for admission or readmission to the University of Alberta (EXEC 04 MAY 2009)
- 30.2.8 **Central Academic Record.** A continuing record maintained by the Office of the Registrar, where all matters relating to courses, grades, and academic standing and probation are permanently recorded. Transitory notations, such as service



indicators are also noted in the Central Academic Record while they are in effect. (CLRC 24 MAY 2012)

- 30.2.9 **Class.** A formal period of instruction including, but not limited to: a lecture, a laboratory, a seminar, a tutorial, an examination, or a period of instruction within a field experience or an online course. (CLRC 25 APR 2013)
- 30.2.10 **Code.** *Code of Student Behaviour.*
- 30.2.11 **Complainant.** Any person who has reason to believe that a Student has committed an offence and who initiates a procedure under this Code. See 30.5.2.
- 30.2.12 **Dean.** In cases in which there is an allegation of Inappropriate Academic Behaviour [30.3.2] in a course, “Dean” shall be interpreted as the Dean (or delegate) of the Faculty that offers the course in which that Student is alleged to have committed an Inappropriate Academic Behaviour offence, including a course designated as a capping exercise in a course-based master’s degree program. In all other cases, including but not limited to offences related to programs of study, graduation, or graduate Student theses, “Dean” shall be interpreted as the Dean (or delegate) of the Faculty in which the Student is enrolled. In application-related cases, “Dean” shall be interpreted as the Dean of the Faculty to which the Student has applied. Where a Student has multiple concurrent applications, the Registrar shall recommend a Dean to deal with the case. In cases where the Student is not currently enrolled, the Vice-Provost and Dean of Students shall appoint a Dean to deal with the case. In cases where the Student is enrolled in Open Studies, “Dean” shall be interpreted as the Registrar (or delegate). (CLRC 27 MAY 2004)(EXEC 04 MAY 2009) (CLRC 22 NOV 2012)
- 30.2.13 **Degree.** Any Degree, diploma or certificate granted or awarded by the University.
- 30.2.14 **Director of UAPS.** Director of University of Alberta Protective Services or delegate.
- 30.2.15 **Discipline Officer.** The person responsible for reviewing all charges laid under the Code in which a Unit Director recommends an Intermediate or Severe Sanction, a Dean recommends a Severe Sanction or the Director of UAPS recommends a sanction [30.4.3]. (CLRC 24 MAY 2012)
- 30.2.16 **Discipline File.** The file containing the disciplinary proceedings undertaken in relation to a Student, including but not limited to, the charges laid, the evidence collected, and the findings of the decision-maker. Discipline Files are held by Faculties, Unit Directors, University of Alberta Protective Services, the Office of Student Judicial Affairs, and University Governance as provided for this Code. Discipline Files held by Faculty and Department offices must be kept separate from Academic Files, but in cases where a Student has been found to have committed an offence of Inappropriate Academic Behaviour, a copy of the final decision may be kept with the Student’s Academic File. (CLRC 24 MAY 2012)

- 30.2.16(1) All Discipline Files are confidential, and the only persons having access to such records will be those directly concerned with the action, decided as follows:
- **Faculties:** The Dean shall determine access to Discipline Files held in the Faculty. (CLRC 24 MAY 2012)
  - **University of Alberta Protective Services:** The Director shall determine access to Discipline Files held by University of Alberta Protective Services. (CLRC 24 MAY 2012)
  - **Units:** The Director shall determine access to Discipline Files held by the unit. (CLRC 24 MAY 2012)
  - **Discipline Officer:** The Discipline Officer shall determine access to Discipline Files. (CLRC 24 MAY 2012)
  - **University Governance:** The Head (or delegate) of University Governance shall determine access to Discipline Files held by University Governance. (CLRC 24 MAY 2012)
  - **The Provost or delegate shall:**
    1. **Have access to all student records including the Academic File and any Discipline File** held by a Faculty, Department or unit, the Office of Student Judicial Affairs, the Office of the Registrar or University Governance in an instance where the Provost has invoked, or is considering invoking, the Protocol For Urgent Cases of Disruptive, Threatening or Violent Conduct (Section 91); (EXEC 03 MAY 2004) (BHRCC 05 MAY 2004) (CLRC 24 MAY 2012)
    2. **Intervene in a case concerning the Code** in a case being heard, already heard, or about to be heard by the UAB or the PRB in an instance where the Provost has invoked, or is considering invoking, the Protocol For Urgent Cases of Disruptive, Threatening or Violent Conduct (Section 91). (EXEC 03 MAY 2004) (BHRCC 05 MAY 2004)
- 30.2.17 **Facilities.** The term “Facilities” includes but is not limited to buildings, parking lots, athletic fields, campus buildings, and campus areas.
- 30.2.18 **Financial Services.** University of Alberta Financial Services.
- 30.2.19 **GFC.** General Faculties Council.
- 30.2.20 **Graduate Coordinator.** The graduate coordinator is the tenured or tenure-track professor designated by a department (or Faculty if non-departmentalized) as the official representative of the department (or Faculty) to the students enrolled in that department's (or Faculty's) graduate program. Graduate coordinators are known by various designations, including Director, Associate Chair (Graduate Studies), and Associate Dean (Graduate Studies). (CLRC 24 MAY 2012)
- 30.2.21 **Instructor.** The term “Instructor” includes the person charged with the responsibility for conducting a Class, the person charged with the responsibility for supervising or evaluating a capping exercise, thesis or research project, or the

person charged with the responsibility of supervising a Student's work conducted in a laboratory. (CLRC 24 MAY 2012)

- 30.2.22 **Malicious Code.** Software that has been written specifically to do something unexpected (usually, but not always, undesirable or destructive) to another user's computer and/or data.
- 30.2.23 **Negative Service Indicator.** A transitory notation that can be placed on a student's Central Academic Record during the period it is in effect. Service indicators assist staff in the provision or restriction of services but do not appear on a Transcript. Negative Service Indicators can be used for financial, disciplinary or other extraordinary matters. Examples include but are not limited to: parking fines, library fines, disciplinary fines, orders of restitution, suspension, and exclusions. (CLRC 24 MAY 2012)
- 30.2.24 **Panel.** The UAB members constituted from the Panel of Chairs and Panel of Students to hear an appeal as set in these regulations. (CLRC 24 MAY 2012)
- 30.2.25 **Practicum Placement.** Any placement (volunteer or otherwise) which is part of a Student's academic program and which places or may place the Student in contact with the public. Practicum Placements include, but are not limited to, hospital rotations or other clinical placements in the disciplines of medicine, dentistry, pharmacy, nursing, and rehabilitation medicine, education placements in schools, and placements in co-operative work settings.
- 30.2.26 **Professional Code of Ethics.** All provincial and federal Codes of Ethics or Codes of Conduct governing the relevant profession and the practice of its discipline.
- 30.2.27 **Professional Programs.** Academic programs that prepare Students for vocations where the right to practice is dependent on membership in a specialist occupational organization. Examples include but are not limited to dentists, dental hygienists, lawyers, medical laboratory technicians, nurses, occupational therapists, pharmacists, physicians, physical therapists, speech language pathologists, and teachers.
- 30.2.28 **Registrar.** The University Official invested with custody of Students' Central Academic Records.
- 30.2.29 **Respondent.** The person(s) who replies to an appeal.
- 30.2.30 **Student(s).** A person who is or has been registered as a Student at the University whether or not for credit and includes current Undergraduate and Graduate Students, former Students, and graduates who have received a Degree, diploma or certificate from the University. (BG 12 MAY 2006)
- 30.2.31 **Student OmbudService.** "Student OmbudService" includes ombuds services for undergraduate and graduate Students.

- 30.2.32 **Transcript.** A Student's official academic record issued by the Office of the Registrar and bearing the signature of the Registrar. Information for the Transcript is drawn from the Central Academic Record. Information included on the University of Alberta transcript is found in the University of Alberta Calendar, Section 23.9.2. (CLRC 24 MAY 2012)
- 30.2.33 **UAB.** University Appeal Board.
- 30.2.34 **Unit Director.** The director or delegate of specific University services or resources including but not limited to Ancillary Services, Academic Information and Communication Technologies, University Libraries, University Recreational Facilities, and the University Bookstore. (CLRC 03 MAR 2005)
- 30.2.35 **University Activities.** "University Activities" include but are not limited to, teaching, research, studying, administration, meetings, and public service.
- 30.2.36 **University Community.** "University Community" includes those who are employed by the University, who are officially associated with the University, and those who are Students, former Students, or alumni of the University.
- 30.2.37 **University Officials.** "University Officials" are those individuals who in the ordinary course of their duties have the authority to limit access to University Facilities and/or property and include but are not limited to Deans, Department Chairs, Unit Directors, Discipline and Deputy Discipline Officers, Instructors, members of University of Alberta Protective Services, Ancillary Services staff, and Building Services staff. (CLRC 03 MAR 2005)
- 30.2.38 **University-related Functions.** "University-related Functions" include, but are not limited to activities occurring in the course of work or study assignments inside or outside the University; at work or study-related conferences or training sessions; during work or study-related travel; during events such as public lectures, performances, social or sports activities; or over the telephone or computer.
- 30.2.39 **University Supplies and Documents.** "University Supplies and Documents" include but are not limited to equipment, keys, records, insignias, stationery, forms and permits.
- 30.2.40 **Working Day or Business Day.** "Working Day" or "Business Day" is defined as a day on which University administrative offices are open. For the purposes of these regulations, the day preceding the Christmas holiday period shall not be considered a Working Day for appeal deadlines. (CLRC 24 MAY 2012)
- 30.3 Offences under the Code**
- 30.3.1 **Application**
- 30.3.1(1) This Code applies to all conduct by a Student or by Students, by any means whatsoever, (including but not limited to internet forums, electronic communications or other media) that has a real and substantial link to the

University, University Activities, the University Community, or University-related Functions, whether or not the conduct occurred on or in relation to University property. (CLRC 22 MAR 2012)

- 30.3.1(2) The determination of whether any conduct does have such a real and substantial link may be made by any person or body authorized to make decisions in the disciplinary and appeal processes set out in this Code, and this determination may be appealed as part of an appeal provided for by this Code.
- 30.3.1(3) All Students living in or attending at a University residence are subject to the Code, as well as to the rules, regulations and community standards of that residence and regulations in force including any amendments posted at the business office of the residence or in the areas affected. The authority given to the Director of Residence Services or delegate under 30.5.5 is not intended to supersede or undermine the authority of the University as landlord or the restorative processes under the Residence Community Standards. (CLRC 27 MAY 2004) (CLRC 24 NOV 2011)
- 30.3.1(4) All persons owning, operating or parking vehicles on University property are subject to the current Traffic and Parking Regulations of the University of Alberta. Information about Traffic and Parking Regulations in force, including any amendments, may be secured from Parking Services. Fines and sanctions specific to all parking violations are administered by Parking Services and may be appealed through the Parking Appeals Officer.
- 30.3.1(5) All Students are subject to the regulations of the University Libraries that are available in all Libraries. Fines and sanctions specific to library use are administered by the University Libraries and may be appealed at the circulation desk in the Library in which the material in question is located.
- 30.3.1(6) All Students are subject to the regulations of Academic Information and Communication Technologies that are available from Academic Information and Communication Technologies. Fines and sanctions specific to computing and internet use are administered by Academic Information and Communication Technologies and may be appealed through the Director of Academic Information and Communication Technologies.

### **30.3.2 Inappropriate Academic Behaviour**

#### **30.3.2(1) Plagiarism**

No Student shall submit the words, ideas, images or data of another person as the Student's own in any academic writing, essay, thesis, project, assignment, presentation or poster in a course or program of study.

#### **30.3.2(2) Cheating**

- 30.3.2(2) a No Student shall in the course of an examination or other similar activity, obtain or attempt to obtain information from another Student or other unauthorized source, give or attempt to give information to another Student,

or use, attempt to use or possess for the purposes of use any unauthorized material.

30.3.2(2) b No Student shall represent or attempt to represent him or herself as another or have or attempt to have himself or herself represented by another in the taking of an examination, preparation of a paper or other similar activity. See also misrepresentation in 30.3.6(4).

30.3.2(2) c No Student shall represent another's substantial editorial or compositional assistance on an assignment as the Student's own work.

30.3.2(2) d No Student shall submit in any course or program of study, without the written approval of the course Instructor, all or a substantial portion of any academic writing, essay, thesis, research report, project, assignment, presentation or poster for which credit has previously been obtained by the Student or which has been or is being submitted by the Student in another course or program of study in the University or elsewhere.

30.3.2(2) e No Student shall submit in any course or program of study any academic writing, essay, thesis, report, project, assignment, presentation or poster containing a statement of fact known by the Student to be false or a reference to a source the Student knows to contain fabricated claims (unless acknowledged by the Student), or a fabricated reference to a source.

**30.3.2(3) Misuse of Confidential Materials**

No Student shall procure, distribute, or receive any confidential academic material such as pending examinations, laboratory results or the contents thereof from any source without prior and express consent of the Instructor.

**30.3.2(4) Research and Scholarship Misconduct**

30.3.2(4) a No Student shall violate the University of Alberta Research and Scholarship Integrity Policy, as set out in the Research and Scholarship Integrity Policy in UAPPOL or any other University regulation concerning academic matters. (CLRC 24 MAY 2012)

30.3.2(4) b Where a Student is charged with the academic offence of research and scholarship misconduct, the procedure to follow is that outlined below. (CLRC 24 MAY 2012) (EXEC 12 NOV 2014)

**30.3.3 Inappropriate Behaviour in Professional Programs**

30.3.3(1) A Student enrolled in Professional Programs is bound by and shall comply with the Professional Code of Ethics governing that profession and the practice of its discipline.

30.3.3(2) It shall be the responsibility of each student in a Professional Program to obtain, and be familiar with, the Professional Code of Ethics relevant to the discipline and all amendments thereto as may be made from time to time. (BG 12 May 2008)

- 30.3.3(3) A Student enrolled in a Professional Program who contravenes the Professional Code of Ethics governing the profession and the practice of its discipline commits an offence under this Code when, at the time of the alleged offence, the Student is involved in a Practicum Placement related to a course of study in a Professional Program. (BG 12 May 2008)
- 30.3.3(4) The following behaviour by any Student in a Practicum Placement is unprofessional conduct, and an offence under this Code:
- 30.3.3(4) a all attempts at deliberately falsifying patient, pupil or client records including forging Instructor signatures;
- 30.3.3(4) b falsifying financial records related to patient treatment procedures or client services;
- 30.3.3(4) c misrepresenting patient treatment, instructional activities or client services to officials of the practicum site or to third parties, such as insurance carriers;
- 30.3.3(4) d careless or negligent behaviour resulting in unnecessary physical and/or mental harm to patients, pupils or clients;
- 30.3.3(4) e obtaining or attempting to obtain favours, gifts, payments, pharmaceuticals or other consideration from patients, pupils, clients or third parties;
- 30.3.3(4) f representing one's education, qualifications or competence in a way that is false or misleading.
- 30.3.3(4) g operating outside of scope of practice. (BG 12 May 2008)
- 30.3.3(5) When proceedings have been initiated against a Student under this Code and separate proceedings are commenced against the same Student relating to the same cause or matter under a Professional Code of Ethics, the Dean may stay proceedings under this Code pending the outcome of the proceedings brought pursuant to the Professional Code of Ethics.
- 30.3.3(6) Appeals of Code decisions concerning unprofessional conduct or contraventions of Professional Codes of Ethics that would otherwise be heard by the UAB shall instead be heard by a Practice Review Board as constituted under the Practicum Placement Intervention Policy. (BG 12 May 2008)
- 30.3.3(7) In hearing appeals as provided for in the Code, the Practice Review Board shall have all of the powers of the UAB and shall follow the same procedures of the UAB as provided for in this Code. (BG 12 May 2008)
- 30.3.3(8) Any appeals of Code charges that accompanied a Practicum Intervention under the Practicum Placement Intervention Policy shall be stayed and held in abeyance as may be necessary in order that the appeals can be conjoined and be heard and determined at the same time by the Practice Review Board. (BG 12 May 2008)

### **30.3.4 Inappropriate Behaviour towards Individuals or Groups**

#### **30.3.4(1) Disruption**

- 30.3.4(1) a No Student shall disrupt a Class in such a way that interferes with the normal process of the session or the learning of other Students.
- 30.3.4(1) b No Student shall, by action, words, written material, or by any means whatsoever, obstruct University Activities or University-related Functions.
- 30.3.4(1) c No Student shall use words that incite others to behaviour that is inappropriate to members of the University Community, whether or not in connection with a demonstration, rally or picketing.

#### **30.3.4(2) Discrimination**

- 30.3.4(2) a No Student shall discriminate against any person or group of persons while participating in University Activities or University-related Functions. Discrimination is defined in the Discrimination, Harassment and Duty to Accommodate Policy in UAPPOL. (CLRC 25 APR 2013)

(<https://policiesonline.ualberta.ca/PoliciesProcedures/Policies/Discrimination-Harassment-and-Duty-to-Accommodate-Policy.pdf>)

#### **30.3.4(3) Dissemination of Malicious Material**

No Student shall disseminate or cause to be disseminated malicious or defamatory material or engage in activity which creates a social or academic climate that hinders or prevents the full participation of another person or group in the life of the University.

#### **30.3.4(4) Retaliation**

No Student shall retaliate against any Complainant who has reported the Student for an offence under the Code or against any other person who has provided information served as a witness or acted in an official capacity in the discipline process. (EXEC 7 JAN 2008)

#### **30.3.4(5) Unfounded Allegations**

No Student shall make any complaint against any other member of the University Community or cause any steps to be taken concerning any other member of the University Community unless the Student believes, on reasonable grounds, that the other member of the University Community has committed an offence under this Code or engaged in conduct warranting a complaint.

#### **30.3.4(6) Violations of Safety or Dignity**

- 30.3.4(6) a No Student shall have sexual or physical contact with another person without that person's consent.
- 30.3.4(6) b No Student shall physically abuse another person, threaten any other person with physical abuse or cause any other person to fear physical abuse.



30.3.4(6) c No Student shall create a condition which endangers or potentially endangers or threatens the health, safety or well being of other persons.

30.3.4(6) d No Student shall harass another person. Harassment is defined in the Discrimination, Harassment and Duty to Accommodate Policy in UAPPOL, and includes Harassment, Bullying, Sexual Harassment and Racial Harassment. (CLRC 25 APR 2013)

<https://policiesonline.ualberta.ca/PoliciesProcedures/Policies/Discrimination-Harassment-and-Duty-to-Accommodate-Policy.pdf>

30.3.4(6) e No Student shall use words which threaten violence or physical abuse to any group or individual whether or not the group or individual thus threatened knows of such threatening words and whether or not the words are employed in connection with a demonstration, rally or picketing.

30.3.4(7) **Hazing**

30.3.4(7) a No Student shall organize, participate or engage in the hazing of another person, regardless of whether the individual who is the subject of the hazing has consented to participate in or be subjected to the activities in question, or whether the activities in question constitute a ritual or tradition of an organization. (EXEC 02 APR 2012)

30.3.4(7) b “Hazing” means the creation of an environment or any intentional, reckless or negligent act, by a Student, that occurs on or off University property, that

- i. endangers the physical health, mental health or safety of another person; or
- ii. produces physical or mental discomfort, embarrassment, humiliation, harassment, or ridicule; or
- iii. results in the destruction, damage or removal of any public or private property; or
- iv. causes, induces, pressures, coerces, or requires another person to violate any federal, provincial, municipal or University regulations;

for purposes that include, but are not limited to, initial or continued admission, affiliation or initiation with any Student Group, athletic team, or any formal or informal organization in the University Community. Examples of hazing include, but are not limited to: any brutality of a physical nature, such as whipping, beating, branding, paddling, or electric shocks, exercise not legitimately related to a sport, forced consumption of alcohol or other substances, inappropriate exposure to the elements, compulsory nudity or immodest dress, transportation and abandonment, threats or implied threats, verbal abuse, physical or psychological abuse, sleep deprivation, physical confinement, coerced hazing of another, compulsory servitude, degrading activities, sexual simulation, sexual assault, or theft or misuse of others' property. (EXEC 02 APR 2012)

### **30.3.5 Inappropriate Use of University Property and Resources**

#### **30.3.5(1) Damage to Property**

- 30.3.5(1) a No Student shall possess, misappropriate, convert, destroy or otherwise damage University property or the property of any other member of the University Community.
- 30.3.5(1) b No Student shall deface the inside or outside of any building or property of the University.
- 30.3.5(1) c No Student shall, without authority, make, alter, use, receive, or possess University supplies or documents.
- 30.3.5(1) d No Student shall remove books or other library material from a University library without proper authorization, mutilate or deface library books or material, purposely misplace them or in any other way purposely deprive other members of the University Community of the opportunity to have access to library resources.

#### **30.3.5(2) Unauthorized Use of Facilities, Equipment, Materials, Services or Resources**

- 30.3.5(2) a No Student shall use any facility, equipment, material, service or resource contrary to express instructions or without proper authority. (GFC 03 FEB 2014)
- 30.3.5(2) b No Student shall enter or remain in any University building, facility, room, or office, without the proper authority, contrary to express instructions or with intent to damage, destroy, convert or misappropriate University property.
- 30.3.5(2) c No Student shall obtain any University equipment, material, service or resource by fraudulent means or by providing false information.
- 30.3.5(2) d No Student shall use any University computer or computer related facility without proper authorization or in contravention of the conditions for use of University computer or computer related Facilities.
- 30.3.5(2) e No Student shall introduce any Malicious Code on any University computer or use any University computer to develop, modify, mutate, disseminate, propagate or release any Malicious Code.

### **30.3.6 Other Offences**

#### **30.3.6(1) Alcohol Provision and Consumption**

- 30.3.6(1) a No Student shall consume or serve alcohol on University property other than in licensed premises, at a University function with a valid permit issued by Ancillary Services or in accordance with regulations pertaining to University residences.
- 30.3.6(1) b No Student shall violate the regulations regarding alcohol use set forth in the UAPPOL Alcohol Policy. (GFC 03 FEB 2014)

- 30.3.6(1) c No Student shall violate Alberta Gaming and Liquor Board regulations regarding the use of alcohol on campus. These regulations must be posted at any function serving alcohol on campus.
- 30.3.6(2) **Breach of Rules External to the Code**
- 30.3.6(2) a No Student shall engage in conduct that violates any municipal by-law, Provincial or Federal statute or regulation, or University regulation (Rules External to the Code). Conduct that breaches Rules External to the Code shall be deemed to be an offence under this Code and shall be subject to the disciplinary and appeal processes set out in this Code, if the conduct has a real and substantial link to the University, University Activities, the University Community, or University-related Functions, whether or not the conduct occurred on or in relation to University property.
- 30.3.6(2) b The determination of whether any conduct has such a real and substantial link may be made by any person or body authorized to make decisions in the disciplinary and appeal processes set out in this Code, and this determination may be appealed as part of an appeal provided for by this Code.
- 30.3.6(2) c The determination of whether a Student has breached Rules External to the Code may be made by any decision-maker under this Code, and this determination may be appealed as part of an appeal provided for by this Code.
- 30.3.6(2) d The determination referred to in 30.3.6(2) c shall be made in accordance with the rules of evidence and the burdens of proof specified in this Code. If, however, a person, court, tribunal, or other decision-making body with jurisdiction over an alleged Breach of Rules External to the Code has ruled that the Student did or did not commit a violation,
- 30.3.6(2) d. i evidence of that ruling, in any form satisfactory to the decision-maker, may be introduced as evidence that the Student did or did not (as the case may be) commit an offence for the purposes of this Code; and
- 30.3.6(2) d. ii the decision-maker shall accord such weight to the evidence of the ruling as the decision-maker considers appropriate in the circumstances.
- 30.3.6(2) e A Student who has been found to have committed an offence may receive a sanction under both the Code and Rules External to the Code.
- 30.3.6(3) **Identification**  
No Student shall refuse to provide identification upon request by a University Official or employee acting in the course of that person's duties, provided the University Official or employee has reason to believe the Student is committing, has committed or is about to commit an offence.
- 30.3.6(4) **Misrepresentation of Facts**  
No Student shall misrepresent pertinent facts to any member of the University community for the purpose of obtaining academic or other advantage. This includes such acts as the failure to provide pertinent information on an application for

admission or the altering of an educational document/transcript. (EXEC 04 MAY 2009)

**30.3.6(5) Participation in an Offence**

No Student shall counsel or encourage or knowingly aid or assist, directly or indirectly, another person in the commission of any offence under this Code.

**30.3.6(6) Smoking**

No Student shall smoke at any time in any area of the University where smoking is banned. (CLRC 25 APR 2013)

**30.3.6(7) Bribery**

No Student shall offer or provide a monetary or other benefit to any member of the University for the purpose of gaining academic or other advantage. (GFC 24 SEP 2007)

**30.4 Sanctions and their Impact**

**30.4.1 General Provisions**

Different members of the University have the authority to decide that a Student has breached the Code and to set a sanction. Unit Directors may impose Minor Sanctions for specific breaches that occur within their unit and may recommend that the Discipline Officer impose Intermediate or Severe Sanctions. The Director of UAPS may recommend that the Discipline Officer impose Minor, Intermediate or Severe Sanctions. Deans have the authority to set Minor or Intermediate Sanctions and may recommend that the Discipline Officer impose Severe Sanctions. The Discipline Officer and the UAB have the authority to set Minor, Intermediate, or Severe Sanctions.

30.4.1(1) In determining both the length and/or the effective date of a sanction, a decision-maker imposing the sanction shall take into account the impact of the sanction on the Student's academic program and record.

30.4.1(2) Any sanction shall take effect on the date of the decision unless it is noted in the decision that the sanction shall take effect at another time. Any change to a sanction as a result of an appeal (the removal of, increase in or addition to a sanction) shall take effect according to specified instructions in the written appeal decision. (CLRC 24 MAY 2012)

30.4.1(3) The Office of the Registrar shall note Encumbrances, grade changes (including notations of NC) Suspensions, Expulsions, or Suspensions or Rescissions of Degrees on a Student's Transcript. Encumbrances, Exclusions and Suspensions of Essential and Non-Essential Services will be noted as a Negative Service Indicator in the Student's Central Academic Record. For tracking purposes, any sanction noted on the Transcript will also be noted as a Negative Service Indicator in the Student's Central Academic Record. (CLRC 24 MAY 2012) (GFC 03 FEB 2014)

30.4.1(4) The decision maker, at his or her discretion, may disclose decisions under this Code, or portions thereof, on a need to know basis, for the purpose of administering a Student's academic or other program. (CLRC 24 MAY 2012)

30.4.1(5) If a Student has engaged in conduct for which the Student has received a sanction by a person, court, tribunal or other decision making body pursuant to Rules External to the Code (including but not limited to University of Alberta Library, Parking or Residence Regulations), and the conduct is found to be an offence under this Code then the Student may receive a sanction under this Code, in addition to the sanction imposed pursuant to the Breach of Rules External to the Code [30.3.6(2)].

### **30.4.2 Types of Sanctions**

**30.4.2(1) Reserved (CLRC 22 NOV 2007)**

#### **30.4.2(2) Conduct Probation**

30.4.2(2) a "Conduct Probation" is an order that a Student comply with prescribed conditions for a specified time, not to exceed the duration of the Student's degree program. (CLRC 24 MAY 2012)

30.4.2(2) b The conditions that may be prescribed in Conduct Probation include the following:

30.4.2(2) b.i not to commit any further offences during the term of Conduct Probation;

30.4.2(2) b.ii to report at specified periods to a specified University Official;

30.4.2(2) b.iii to abstain from the consumption of alcohol, drugs (except in accordance with a medical prescription), or other intoxicating substances while on University property;

30.4.2(2) b.iv to perform up to 100 hours of Community Service over a period not exceeding 12 months;

30.4.2(2) b.v to prepare a paper or essay on a topic relevant to the offence that the Student was found to have committed;

30.4.2(2) b.vi to write a letter of apology;

30.4.2(2) b.vii to refrain from contact with an identified person or persons;

30.4.2(2) b.viii to refrain from being at or being within a specified distance from a specified place or person on University property; and/or

30.4.2(2) b.ix such other reasonable conditions considered desirable for protecting the University Community, for encouraging the Student to take responsibility for the Offence, for rehabilitating the Student, and for ensuring that the Student provides reparation for harm done to the University Community, to University property or the property of others.

30.4.2(2) c An order of Conduct Probation shall specify whether the Dean, Director of UAPS or Discipline Officer has the responsibility to ensure that the terms of

the Conduct Probation are performed and to certify, when and as necessary, that the terms of the Conduct Probation have been met to a reasonable standard of performance or have been breached.

30.4.2(2) d An order of Conduct Probation shall specify a sanction to be imposed should the Student breach the conditions of Conduct Probation.

30.4.2(2) e The sanction of Conduct Probation and particulars relating thereto shall be kept in the Discipline File of the office of the Dean of the Faculty in which the offence occurred or the Discipline Officer, whichever one will be monitoring the order of Conduct Probation. In the case of Conduct Probation imposed by the University Appeal Board, the sanction and particulars thereto shall also be kept in the Discipline File held by University Governance. (CLRC 24 MAY 2012) (GFC 03 FEB 2014)

30.4.2(2) f In the case of an order of Conduct Probation resulting from a charge of Inappropriate Academic Behaviour, Misrepresentation of Facts, Participation in an Offence or Bribery related to Inappropriate Academic Behaviour, or where the offence has a significant connection to the Student's academic program, the Dean, Discipline Officer or UAB may direct the Office of the Registrar to place a notation on the Student's Transcript indicating "Inappropriate Academic Behaviour." The notation may remain on the Transcript for a period not to exceed the duration of the Student's degree program. (CLRC 24 MAY 2012)

30.4.2(2) g Any new offence that constitutes a breach of the prescribed conditions of Conduct Probation during the defined period may lead to additional charges under this Code.

### 30.4.2(3) Encumbrance

30.4.2(3) a An "Encumbrance" is a notation by the Registrar in the form of a Negative Service Indicator on a Student's Central Academic Record that results in the withholding of Student grades or other indicators of academic attainment, withholding of transcripts, denial or termination of registration until the Registrar is provided with: (CLRC 24 MAY 2012)

30.4.2(3) a.i proof that a specified Fine has been paid to Financial Services or that arrangements satisfactory to the University have been made to do so;

30.4.2(3) a.ii proof that Restitution has been made to the satisfaction of the University of Alberta; or

### 30.4.2(4) Exclusion

30.4.2(4) a "Exclusion" prohibits or restricts the Student's presence on campus and participation in any Class, University activity or Student affair for either a specified time or for an indefinite period of time. A Student may be excluded from all or a specified part of the University.

- 30.4.2(4) b In cases of Exclusion when a specified time period for the Exclusion is noted, then the Exclusion shall appear as a Negative Service Indicator on the Student's Central Academic record until the period of Exclusion has expired. (CLRC 24 MAY 2012)
- 30.4.2(4) c In the case of Exclusion when no time limit is indicated, an entry shall appear as a Negative Service Indicator on the Student's Central Academic Record indefinitely or until such time as the Student has met any conditions set for return to the University. (CLRC 24 MAY 2012)
- 30.4.2(4) d In all cases of Exclusion, the notation will include a description of the areas of the University from which the Student is barred (all of the University or specified areas).
- 30.4.2(4) e A Student shall receive credit for any course passed before the effective date of the Exclusion.
- 30.4.2(4) f Withdrawals resulting from a decision of Exclusion will show as grades of "W" on the Transcript and will remain part of the Central Academic Record. (CLRC 24 MAY 2012)
- 30.4.2(4) g If a Student is Excluded from the University the fee refund dates outlined in §22.2.9 of the *University Calendar* shall apply.
- 30.4.2(5) Expulsion**
- 30.4.2(5) a "Expulsion" requires a Student to withdraw completely from the University for an indefinite period of time. The Student shall not be permitted to return without the approval in writing of the Provost and Vice-President (Academic) in consultation with the Faculty from which the Student was expelled. Such approval shall not be given before the expiry of four years.
- 30.4.2(5) b Any course work completed at any institution during the period of Expulsion will not be accepted as credit towards a Student's Degree, or for admission to a Degree program, or other certification at the University of Alberta.
- 30.4.2(5) c Expulsion shall be noted in the Student's Academic File in the Faculty in which a Student is registered, as a Negative Service Indicator in the Student's Central Academic Record and on the Student's Transcript in perpetuity or until such time as the Student is readmitted to the University. (CLRC 24 MAY 2012)
- 30.4.2(5) d A Student shall receive credit for any course passed before the effective date of the Expulsion.
- 30.4.2(5) e Withdrawals resulting from a decision of Expulsion will show as grades of "W" on the Student's Transcript and will remain part of the Student's Central Academic Record. (CLRC 24 MAY 2012)
- 30.4.2(5) f A student is deemed to have withdrawn from all courses as of the date of Expulsion; the fee refund dates outlined in § 22.2.9 of the *University Calendar* shall apply. (CLRC 26 SEP 2002)

**30.4.2(6) Fine**

30.4.2(6) a A "Fine" means an order for payment of a specified sum by the Student to Financial Services. Funds from Fines shall be used for Student bursaries.

30.4.2(6) b If the Student and the University agree, a Fine may be paid in whole or in part by the provision of services by the Student to the University. The nature of the services shall be agreed upon by the University and the Student. Calculation of the value of the services shall be in accordance with the rate normally paid for persons who ordinarily perform the service.

30.4.2(6) c The Student's Central Academic Record is encumbered until the amount is paid in full. (CLRC 24 MAY 2012) (GFC 03 FEB 2014)

**30.4.2(7) Grade Reduction, Grade of F or NC in a course (CLRC 27 MAR 2003) (CLRC 24 MAY 2012)**

30.4.2(7) a Marks for an assignment(s) or the grade for a course may be reduced as a sanction for Inappropriate Academic Behaviour. The final grade may or may not be accompanied by a remark, indicating Inappropriate Academic Behaviour. The Student's grade in the course or grade point average may, as a consequence, be substantially reduced. (CLRC 27 MAR 2003)

30.4.2(7) b A grade of F for graded courses or NC for non-graded courses may be assigned as a sanction for Inappropriate Academic Behaviour. The grade may or may not be accompanied by a remark, indicating Inappropriate Academic Behaviour. (CLRC 27 MAR 2003) (CLRC 24 MAY 2012)

30.4.2(7) c Grade reductions and a grade of F resulting from discipline decisions shall be calculated into the Student's GPA. Mark reductions, reductions in final course grades and a grade of F may result in a Student being required to withdraw from his or her program. (CLRC 27 MAR 2003)

30.4.2(7) d The remark on a transcript of 8 (or 9 for graduate student grades), indicating Inappropriate Academic Behaviour, shall remain on the Student's Transcript for a period of 2 years from the end date of the term for the relevant course. After that time, the remark of 8 or 9 is removed. (CLRC 27 MAR 2003) (CLRC 25 NOV 2004) (CLRC 24 MAY 2012)

30.4.2(7) e Any documentation relating to grade changes resulting from a sanction under this Code may be retained in the Academic File. (CLRC 24 MAY 2012)

**30.4.2(8) Refusal to Consider Applications (EXEC 04 MAY 2009)**

30.4.2(8)a Refusal to consider applications for admission to the University for up to 5 years.

Where a sanction of refusal to consider applications has been imposed, such refusal shall be noted as a Negative Service Indicator on the Student's Central Academic Record until the sanction expires. (CLRC 24 MAY 2012)



**30.4.2(8)b** Permanent refusal to consider applications for admission to the University of Alberta.

Where a sanction of permanent refusal to consider applications has been imposed, the Student shall not be considered for admission without the approval in writing of the Provost and Vice-President (Academic) in consultation with the Registrar. Such approval shall not be given before the expiry of five years.

**30.4.2(8)c** The sanctions related to refusal to consider applications for admission to the University of Alberta may only be imposed for application-related offences.

**30.4.2(9) Rescission of Admission Offer**

**30.4.2(9)a** Rescission of any current offer of admission received by the Applicant, whether conditional or final, and cancellation of any registration.

**30.4.2(9)b** This sanction may only be imposed for application-related offences.

**30.4.10 Rescission of a Degree**

**30.4.2(10) a** "Rescission of a Degree" means that the original award of a Degree will be perpetually deleted from the Student's Central Academic Record. The Student's Transcript will indicate that the Degree has been rescinded. (CLRC 24 MAY 2012)

**30.4.2(10) b** The Discipline Officer may recommend to the Provost and Vice-President (Academic) that the University publish notification of the Rescission of the Degree. In the case of a professional Degree, this would include notification to the appropriate professional body. The Vice-President's decision to act on this recommendation shall be deferred until an appeal is heard and decided.

**30.4.2(11) Reprimand**

**30.4.2(11) a** A "Reprimand" is a notation of concern about the conduct of a Student.

**30.4.2(11) b** The Reprimand is noted in the Discipline File held by the Faculty in which a Student is registered and by the Faculty that charged the Student. (CLRC 24 MAY 2012) (GFC 03 FEB 2014)

**30.4.2(12) Restitution**

**30.4.2(12) a** "Restitution" is an order that a Student pays money

**30.4.2(12) a.i** to one or more of another individual, a corporation, an unincorporated association or other unincorporated group, or the University, as Restitution for damage to or the loss or destruction of any property as the result of the commission of an offence by the Student. The amount of Restitution shall not exceed the replacement cost of the property as of the date that the order is imposed, less the value of any part of the property that has been returned; and/or

- 30.4.2(12) a.ii to an individual who has suffered bodily harm as a result of the commission of an offence by the Student, as Restitution for all expenses or loss of income suffered as a result of the offence. Restitution is not payable as compensation for pain and suffering.
- 30.4.2(12) b Restitution shall not be ordered unless evidence has been adduced that supports the calculation of the cost of the damage or injury caused by the commission of the Offence by the Student.
- 30.4.2(12) c The Student's Central Academic Record is Encumbered until the amount is paid in full. (CLRC 24 MAY 2012) (GFC 03 FEB 2014)
- 30.4.2(12) d The Dean or Discipline Officer who imposed the sanction shall make the determination of when the amount owing in Restitution has been paid in full.

### 30.4.2(13) Suspension

- 30.4.2(13) a "Suspension" requires a Student to withdraw completely from the University, his/her program in the University, and from all University Activities for a specified period of time, to a maximum of three years.
- 30.4.2(13) b Suspension shall be noted on the Student's Central Academic Record, on the Student's Transcript, and in the Student's Academic File held by the faculty in which the Student is enrolled during the period of the Suspension. At the discretion of the Discipline Officer or the UAB, the suspension may be noted on the Transcript for a further period of up to three years after the end of the suspension. (GFC 24 SEP 2007) (CLRC 24 MAY 2012)
- 30.4.2(13) c A Student shall receive credit for any course passed before the effective date of the Suspension.
- 30.4.2(13) d Withdrawals resulting from a decision of Suspension will show as grades of "W" on the Student's Transcript and will remain part of the Central Academic Record. (CLRC 24 MAY 2012)
- 30.4.2(13) e A student is deemed to have withdrawn from all courses as of the date of a Suspension; the fee refund dates outlined in § 22.2.9 of the *University Calendar* shall apply. (CLRC 30 MAY 2002)
- 30.4.2(13) f.i Upon expiry of a Suspension of less than 12 months the Student will be permitted to re-enroll in the program from which the Student was suspended provided the Student has not been required to withdraw in accord with the Faculty's published Academic Standing regulations. (CLRC 06 JUN 2013)
- 30.4.2(13) f.ii If the Suspension is for 12 months or more, the Student must apply for readmission to the University. Students should refer to the University of Alberta Calendar for more information on admission and readmission. (<http://www.registrar.ualberta.ca/calendar/>) (CLRC 06 JUN 2013)

30.4.2(13) g Any course work completed at any institution during the period of Suspension will not be accepted as credit towards an individual's Degree, or for admission to a Degree program, or other certification at this University.

**30.4.2(14) Suspension of a Degree**

30.4.2(14) a Upon Suspension of a Degree the original award of a Degree will be removed from the Student's Central Academic Record and the Transcript will show that the Degree has been suspended until the Student meets the requirements of the University to clear the Suspension. (CLRC 24 MAY 2012)

30.4.2(14) b If at the end of the time specified by a discipline decision, the Student has met the requirements of the Discipline Officer or the UAB to clear the Suspension, the original award will be restored to the Student's Central Academic Record with the original date. The record of the Suspension will be removed from the Transcript. (CLRC 24 MAY 2012)

30.4.2(14) c If, at the end of the time specified in a discipline decision, the Student has not met the requirements of the Discipline Officer or the UAB to clear the Suspension, the record of the Suspension of the degree will not be removed. The original award will remain perpetually deleted from the Student's Central Academic Record. (CLRC 03 MAR 2005) (CLRC 24 MAY 2012)

30.4.2(14) d The Discipline Officer or University Appeal Board may recommend to the Provost and Vice-President (Academic) that the University publish notification of the Suspension of a Degree. In the case of a professional Degree, this would include notification to the appropriate professional body. The decision of the Provost and Vice-President (Academic) respecting this recommendation shall be deferred until an appeal is heard and decided. The decision of the Provost and Vice-President (Academic) is final and binding. (CLRC 24 MAY 2012)

**30.4.2(15) Suspension of Essential University Services and Resources**

30.4.2(15) a "Suspension of Essential University Services and Resources" is the denial, for a specified period of time, of those services and resources that are necessary for the completion of a Student's program of studies at the University.

30.4.2(15) b The classification of a sanction as a Suspension of Essential University Services and Resources may be appealed as part of an appeal relating to sanction.

30.4.2(15) c The Suspension of Essential University Services and Resources shall be noted in the Student's Academic File kept by the Dean of the Faculty in which the Student is registered, as a Negative Service Indicator in the Central Academic Record, and the Discipline File held by the Director of UAPS. (CLRC 24 MAY 2012)

**30.4.2(16) Suspension of Non-essential University Services and Resources**

- 30.4.2(16) a “Suspension of Non-essential University Services and Resources” is the denial, for a specified time, of those services or resources that are convenient or helpful to a Student but not necessary for the Student to complete a specific University program.
- 30.4.2(16) b The classification of a sanction as a Suspension of Non-essential University Services and Resources may be appealed as part of an appeal relating to sanction.
- 30.4.2(16) c The Suspension of Non-essential University Services or Resources shall be noted on the Student’s Discipline File kept by the Dean of the Faculty in which the Student is registered, as a Negative Service Indicator in the Central Academic Record, and the Discipline File held by the Director of UAPS. (CLRC 24 MAY 2012)

**30.4.2(17) Violation Notices**

In instances where the conduct in question or its effects are of a minor nature, a “Violation Notice” and an associated fine may be issued by a member of UAPS in lieu of initiating any other proceedings under this Code. See 30.5.6(2).

**30.4.3 Levels of Sanction****30.4.3(1) Minor Sanctions**

- 30.4.3(1) a Instructors have the authority to dismiss a Student from Class for no more than 3 hours of Class time for disturbing, disrupting or otherwise interfering with a Class. In cases where a single class meeting is longer than 3 hours, the Student may be dismissed from that entire class. In the case of an online course, the Instructor may bar the Student from any online activities related to the Class for a maximum of one week, or equivalent to 3 hours in-class time. See 30.3.4(1) (CLRC 28 FEB 2002) (CLRC 30 MAY 2002) (CLRC 25 APR 2013)
- 30.4.3(1) b Unit Directors have the authority to impose the following sanctions on a Student based on a finding that the Student has committed an offence under this Code relating to the Director’s unit.
- 30.4.3(1) b.i Reprimand.
- 30.4.3(1) b.ii Fine, in an amount not to exceed \$100 per Student.
- 30.4.3(1) b.iii Suspension of specified Essential University Services or Resources for a period of not more than 10 Working Days.
- 30.4.3(1) b.iv Suspension of specified Non-essential University Services or Resources for a period of not more than one year.
- 30.4.3(1) c University of Alberta Protective Services members have the authority to issue the following sanctions in violation notices:

- 30.4.3(1) c.i Fine, in an amount not to exceed \$100 for Inappropriate Behaviour toward Members of the University Community not including Disruption of Class [30.3.4(1)a], Discrimination [30.3.4(2)], sexual or physical contact with another person without that person's consent [30.3.4(6)a] or harassment or sexual harassment [30.3.4(6)d];
- 30.4.3(1) c.ii Fine, in an amount not to exceed \$50 for Inappropriate Use of University Property and Resources [30.3.5];
- 30.4.3(1) c.iii Fine, in an amount not to exceed \$50 for Other Offences [30.3.6] not including Alcohol Provision and Consumption;
- 30.4.3(1) c.iv Restitution in addition to or in lieu of any other applicable fine in an amount not to exceed \$500.

### **30.4.3(2) Intermediate Sanctions**

- 30.4.3(2) a Based on a finding that a Student has committed an offence under this Code, the Dean of the Faculty in which the offence occurred has the authority to impose Minor Sanctions and one or more of the following Intermediate Sanctions: (GFC 24 SEP 2007)
- 30.4.3(2) a.i a mark reduction or a mark of 0 on any term work or examination for reason of Inappropriate Academic Behaviour; (GFC 24 SEP 2007)
- 30.4.3(2) a.ii Reduction of a grade in a course;
- 30.4.3(2) a.iii a grade of F for a course; (CLRC 27 MAR 2003)
- 30.4.3(2) a.iv a remark on a transcript of 8 (or 9 for failing graduate student grades), indicating Inappropriate Academic Behaviour, in addition to 30.4.3(2) a.i, 30.4.3(2) a.ii or 30.4.3(2) a.iii; (CLRC 27 MAR 2003) (CLRC 25 NOV 2004)
- 30.4.3(2) a.v Suspension of specified Essential University Service or Resource for a period of 10 Working Days to one year;
- 30.4.3(2) a.vi Suspension of a specified Non-essential University Services or Resource for a period of one to three years;
- 30.4.3(2) a.vii a Fine in an amount not to exceed \$500 per Student;
- 30.4.3(2) a.viii Conduct Probation; and
- 30.4.3(2) a.ix Exclusion from all or specified areas of the University for a specified period of time.
- 30.4.3(2) b The Dean has the authority to impose one or more of the following sanctions in addition to or in lieu of Minor Sanctions based on a finding that the Student has committed an application-related offence under this Code. (EXEC 04 MAY 2009)
- 30.4.3(2) b.i Refusal to consider applications for admission for up to five years, or permanently. (EXEC 04 MAY 2009)

30.4.3(2) b.ii Rescission of an Admission Offer; (EXEC 04 MAY 2009)

**30.4.3(3) Severe Sanctions**

The Discipline Officer has the authority to impose Minor, Intermediate and the following Severe Sanctions. When the Discipline Officer finds that a Student has committed an offence under this Code: (1) any sanctions imposed by a Dean or Unit Director shall remain in effect; (2) the Discipline Officer may impose one or more sanctions in addition to any sanction(s) that may have been imposed by a Dean or Unit Director. (GFC 24 SEP 2007)

When the UAB finds that a student has committed an offence under this Code, the UAB has full authority to impose Minor, Intermediate and the following Severe Sanctions: (GFC 24 SEP 2007)

- 30.4.3(3) a Exclusion from all or specified areas of the University for an unspecified period of time;
- 30.4.3(3) b Expulsion;
- 30.4.3(3) c Suspension;
- 30.4.3(3) d Suspension of specified Essential University Services or Resources for more than one year;
- 30.4.3(3) e Suspension of a Degree already awarded;
- 30.4.3(3) f Rescission of a Degree already awarded;
- 30.4.3(3) g an order for Restitution; and
- 30.4.3(3) h a Fine not to exceed \$2000.

**30.4.4 Public Information about Disciplinary Sanctions**

30.4.4(1) For reporting requirements, see GFC CLRC Terms of Reference at: <http://www.uofaweb.ualberta.ca/governance> (EXEC 02 MAR 2009)

30.4.4(2) In cases where a Student has been excluded from campus, the University is entitled to notify the University Community by any means of the Student's name, the fact that the Student has been excluded from campus and any other information that is deemed necessary for the safety of members of the University Community.

**30.5 The Discipline Process**

**30.5.1 The General Rules of Discipline and Appeal**

30.5.1(1) There are seven main disciplinary and appeal streams:

30.5.1(1) a A complaint is initiated by a member of the University Community under 30.5.2. The Unit Director, Dean or Director of UAPS must first determine whether pursuing the charges is warranted; if so, the investigation is undertaken and/or a decision is made by the Unit Director, Director of UAPS,

Dean or Discipline Officer following the steps in 30.5.5, 30.5.6(3), 30.5.7 or 30.5.8. The decision of the Unit Director, Dean or Discipline Officer may be appealed under 30.6 to the UAB whose review decision is final and binding. (GFC 28 SEPT 2015)

- 30.5.1(1) b A complaint is initiated by an Instructor respecting Exclusion under 30.3.3. The Instructor makes a recommendation to the Dean; the Dean investigates and decides following the steps in 30.5.7. The decision of the Dean may be appealed under 30.6 to the UAB whose review decision is final and binding.
- 30.5.1(1) c A complaint is initiated by an Instructor respecting Inappropriate Academic Behaviour under 30.5.4 or Misrepresentation of Facts [30.3.6(4) or Participation in an Offence [30.3.6(5)] in cases respecting Inappropriate Academic Behaviour. The Instructor makes a recommendation to the Dean who investigates and makes a decision following the steps in 30.5.7. The decision of the Dean may be appealed under 30.6 to the UAB whose review decision is final and binding. (CLRC 30 MAY 2002)
- 30.5.1(1) d An investigation respecting an Inappropriate Use Offence is initiated by a Unit Director, who, on a finding that an offence has been committed, may impose Minor Sanctions and/or may recommend Intermediate Sanctions or Severe Sanctions (or some combination thereof) following the steps in 30.5.5. If an Intermediate or a Severe Sanction is recommended, the Discipline Officer, following the steps in 30.5.8, decides whether the sanction is warranted. Appeals of a finding that an offence has been committed or sanction imposed are made to the UAB under 30.6, whose review decision is final and binding.
- 30.5.1(1) e A Violation Notice and associated Fine and/or Restitution is issued by University of Alberta Protective Services which may be contested before the Director of UAPS or the Discipline Officer under 30.5.6(2).
- 30.5.1(1) f An investigation is initiated by the Director of UAPS, leading to a recommendation for Sanction to the Discipline Officer. The Discipline Officer, following the steps in 30.5.8, decides whether the sanction is warranted. Appeals of a finding that an offence has been committed or sanction imposed are to the UAB under 30.6, whose review decision is final and binding. (CLRC 29 NOV 2001)
- 30.5.1(1) g An investigation is initiated by a Dean, who, on finding that an offence has been committed, may impose Minor Sanctions or Intermediate Sanctions or may recommend Severe Sanctions (or some combination thereof) following the steps in 30.5.7. If a Severe Sanction is recommended, the Discipline Officer, following the steps in 30.5.8, decides whether the sanction is warranted. Appeals of a finding that an offence has been committed or sanction imposed are made to the UAB under 30.6, whose review decision is final and binding.
- 30.5.1(2)** The following procedures do not preclude charges of Breaches of Rules External to the Code [see 30.3.6(2)] being laid against Students.

- 30.5.1(3)** If a University staff member authorized to make a discipline decision has a conflict of interest in relation to particular allegations respecting a Student, the staff member shall so notify the Provost and Vice-President (Academic). The Provost and Vice-President (Academic) or delegate shall appoint and authorize another staff member to make the discipline decision and to perform all activities in connection with the decision.
- 30.5.1(4)** A discipline decision may be appealed by a Student who has been found to have committed an offence under the Code.
- 30.5.1(5)** Students may appeal discipline decisions only once. Therefore, the following restrictions apply:
- 30.5.1(5) a** Because the Student already has the right of appeal under the Code, a Student may not appeal to the Faculty Academic Appeals Committee a mark of F given as a result of a discipline decision or an Academic Standing decision that is solely the result of a discipline decision. (CLRC 27 MAR 2003)
- 30.5.1(5) b** If a Student's Academic Standing is changed as a result of a discipline decision by the Dean or Discipline Officer to assign a mark of 0 on an assignment or lower the final mark, whether or not the final mark is accompanied by a remark, indicating Inappropriate Academic Behaviour, the Student may appeal to the Faculty Academic Appeals Committee only that portion of the mark unaffected by the sanction. In the case of an appeal to the Faculty Appeals Committee, there will be full and open disclosure of all aspects of the discipline decision. The Faculty Academic Appeals Committee cannot change that portion of the mark affected by the Dean or Discipline Officer's decision. (CLRC 27 MAR 2003)
- 30.5.1(5) c** Because the Student has already had the right of appeal under the Code, a Student may not appeal an Academic Standing decision that is solely the result of a discipline decision to the Faculty Academic Appeals Committee.
- 30.5.1(5) d** A Student may appeal to the Faculty Academic Appeals Committee an Academic Standing decision that is not solely the result of a discipline decision. In the case of an appeal to the Faculty Academic Appeals Committee, there will be full and open disclosure of all aspects of the discipline decision. The Faculty Academic Appeals Committee cannot change the portion of any mark affected by the discipline decision.
- 30.5.1(6) Service and Notice**
- 30.5.1(6) a** Material or decisions pertaining to a disciplinary process or appeal, and notice of appeal hearings may be hand-delivered, sent by e-mail, courier, or sent by any method of delivery offered by Canada Post. In cases where students have an official campus address, material may be sent to that address by campus mail. Alternatively, at the Student's request, the Student may pick up the material, decision or notice at an arranged place. (CLRC 25 SEPT 2008) (CLRC 29 JAN 2009) (CLRC 24 MAY 2012)



- 30.5.1(6) b When sent by Canada Post, campus mail or courier, the material, decision or notice shall be sent to the last address provided by the Student to the University. (CLRC 25 SEPT 2008) (CLRC 29 JAN 2009)
- 30.5.1(6) c Delivery is deemed to have been effected on the date of pick-up, receipt of hand or courier delivery, or five (5) Working Days after being sent by Canada Post to Canadian addresses, and seven (7) Working Days after being sent by Canada Post to International addresses, or two (2) Working Days after being sent by campus mail. In accordance with the University's *Electronic Communication Policy for Students and Applicants*, (University Calendar, Section 20.3), electronic communications sent by the University will be deemed received the next University business day after the day the e-mail was sent. (CLRC 25 SEPT 2008) (CLRC 29 JAN 2009) (CLRC 24 MAY 2012)
- 30.5.1(6) d Notices, decisions and other appeal materials sent to a Dean, University of Alberta Protective Services, Discipline Officer or a Unit Director shall normally be sent by campus mail. Any of the other methods of delivery noted in this part may also be used. (CLRC 29 JAN 2009)
- 30.5.2 Procedures for Any Member of the University Community who believes that a Student has committed a Violation of the *Code of Student Behaviour*.**
- 30.5.2(1) A Complainant may initiate proceedings against a Student.
- 30.5.2(2) The Complainant must first determine who is the most appropriate person to speak to about the complaint.
- 30.5.2(2) a Where the Complainant believes that an offence involving Inappropriate Academic Behaviour [30.3.2] has been committed during a course, the Complainant should first speak to the Instructor of the course. If it is not possible to speak with the Instructor for any reason or if the Complainant is not satisfied with the results of the conversation, he or she should speak to the Dean.
- 30.5.2(2) b Where the Complainant believes a Student has disrupted Class [30.3.4(1)] and should be dismissed from Class, the Complainant should first speak with the Instructor of the Class. If it is not possible to speak with the Instructor for any reason or if the Complainant is not satisfied with the results of the conversation, he or she should speak to the Dean.
- 30.5.2(2) c Where the Complainant believes that an offence involving Inappropriate Behaviour in a Professional Program [30.3.3] has been committed, the Complainant should first speak to the University Official in charge of the Professional Program. If it is not possible to speak with the University Official for any reason or if the Complainant is not satisfied with the results of the conversation, he or she should speak to the Dean.
- 30.5.2(2) d Where the Complainant believes that a Student has committed an Inappropriate Use of University Property and Resources Offence [30.3.5], the Complainant should first speak to the Unit Director (i.e. including but not

limited to, the Unit Director for the library, bookstore, AICT, gym, residence hall). If it is not possible to speak with the Unit Director for any reason or if the Complainant is not satisfied with the results of the conversation, he or she should speak to University of Alberta Protective Services.

- 30.5.2(2) e Where the Complainant believes that a Student has committed an Inappropriate Behaviour towards Individuals or Groups Offence [30.3.4, excluding Disruption] or an Other Offence [30.3.6], the Complainant should speak to University of Alberta Protective Services. (EXEC 05 DEC 2011)
- 30.5.2(3) If the procedures in 30.5.2(2) have failed to bring resolution or the Complainant chooses to initiate a formal complaint, the Complainant must deliver a written and signed statement explaining the alleged violation of this Code to either the Director of UAPS and/or Dean. The complaint shall be a detailed written description of the incident. This shall include the time and place, person or persons involved, and all relevant information concerning the incident. In order to protect and to ensure the safety of all members of the University Community, discretion will be used in revealing the name of the Complainant to the Student charged, should the complaint proceed.
- 30.5.2(4) The Dean and Director of UAPS shall work jointly on allegations that involve both academic and security matters. Otherwise they will decide which of them is the most appropriate person to handle an allegation. Usually Deans shall handle charges related to academic matters and the Director of UAPS shall deal with other matters.
- 30.5.2(5) If the Director of UAPS and/or Dean decide to proceed with a complaint, the procedures under 30.5.6(3) and 30.5.7 shall apply.
- 30.5.2(6) The Director of UAPS and/or Dean may decline to proceed with and/or investigate a complaint under the following circumstances: (GFC 28 SEPT 2015)
- 30.5.2(6) a Where the complaint is primarily concerned with regulations of another official University organization, and the Director of UAPS and/or Dean believes that the complaint should be dealt with in accordance with procedures established by that organization;
- 30.5.2(6) b Where the Director of UAPS and/or Dean believes that no University rule has been broken;
- 30.5.2(6) c Where the Director of UAPS and/or Dean believes the complaint to be scandalous, frivolous or vexatious; or
- 30.5.2(6) d Where one year or more has elapsed since the incident.
- 30.5.2(7) The Director of UAPS has declined to proceed with a complaint, the Complainant must be notified. (GFC 28 SEPT 2015)

- 30.5.2(7)a If the Dean has declined to proceed with and/or investigate a complaint then no further proceedings shall be taken respecting the complaint under this Code. (GFC 28 SEPT 2015)
- 30.5.2(7)b If the Director of UAPS has declined to proceed with and/or investigate a complaint, the Complainant must be notified. Written reasons will be provided on request. The decision shall include information regarding the Complainant's rights to appeal, the appeal deadlines, the appeal procedures, where to get access to the Code and where on-campus assistance is available. (GFC 28 SEPT 2015)
- 30.5.2(8) The Complainant may appeal a decision of the Director of UAPS not to proceed with and/or investigate the complaint by delivery of a written letter to the Discipline Officer within 15 working days of the deemed receipt of the decision. (CLRC 30 MAY 2002) (GFC 28 SEPT 2015)
- 30.5.2(8) a If the Discipline Officer decides that the decision of the Director of UAPS not to proceed with and/or investigate a complaint was appropriate, a written decision with reasons will be provided and no further proceedings shall be taken respecting the complaint under this Code. (GFC 28 SEPT 2015)
- 30.5.2(8) b If the Discipline Officer decides that the decision of the Director of UAPS not to proceed with and/or investigate a complaint was inappropriate, the Discipline Officer will conduct any necessary investigation and determine, on a balance of probabilities, whether or not an offence has been committed and what, if any, sanctions will be imposed. (GFC 28 SEPT 2015)
- 30.5.2(8) c The decision of the Discipline Officer may be appealed to the UAB under 30.6 by the Student who was charged and/or the Director of UAPS. The finding that an offence has been committed, the sanction imposed, or both may form the basis of an appeal. (GFC 28 SEPT 2015)

### **30.5.3 Procedures for Instructors in Cases Respecting Class Disruptions**

- 30.5.3(1) When a Student disturbs, disrupts, or otherwise interferes with a Class, the Instructor may immediately dismiss the Student from the Class meeting and subsequent meetings not to exceed 3 hours of instruction. In the case of an online course, the Instructor may bar the Student from any online activities related to the Class for a maximum of one week, or equivalent to 3 hours in-class time. In cases where a single Class meeting is longer than 3 hours the student may be dismissed from that entire Class. (CLRC 22 APR 2002) (CLRC 30 MAY 2002) (CLRC 25 APR 2013)
- 30.5.3(2) The Instructor shall inform the Dean about the incident as soon as possible after the event occurred, normally within 2 Working Days. (CLRC 25 APR 2013)
- 30.5.3(3) If the Student engages in the behaviour described in 30.5.3(1) after resuming Class, the Instructor may again immediately dismiss the Student from the Class, in which case the Instructor must report that violation to the Dean and provide a written

statement of the details of both incidents normally within 2 Working Days. (CLRC 25 APR 2013)

**30.5.3(4)** The Dean shall follow the procedures set out in 30.5.7. The Dean shall contact the Director of UAPS for incidents that fall outside of the Dean's authority, as outlined in 30.5.7(1). (CLRC 25 APR 2013)

**30.5.3(5)** If the Dean, Discipline Officer or UAB find that the Student did not violate the Code, such decision shall not invalidate the prior action of the Instructor. The Dean shall, however, ensure that every effort is made to make up the Student's lost Class time, but the University shall not be held legally responsible for any lost Class time. (CLRC 25 APR 2013)

**30.5.4 Procedures for Instructors in Cases Respecting Inappropriate Academic Behaviour**

**30.5.4(1)** When an Instructor believes that a Student may have committed an Inappropriate Academic Behaviour Offence [30.3.2] or that there has been Misrepresentation of Facts [30.3.6(4)] or Participation in an Offence [30.3.6(5)] in cases respecting Inappropriate Academic Behaviour in the course that he or she instructs, the Instructor will meet with the Student. Before such a meeting, the Instructor shall inform the Student of the purpose of the meeting. In the event that the Student refuses or fails to meet with the Instructor within a reasonable period of time specified by the Instructor, the Instructor shall, taking into account the available information, decide whether a report to the Dean is warranted. (CLRC 30 MAY 2002) (EXEC 7 APR 2003) (CLRC 27 NOV 2003)

**30.5.4(2)** If the Instructor believes there has been a violation of the Code, the Instructor shall, as soon as possible after the event occurred, report that violation to the Dean and provide a written statement of the details of the case. The instructor may also include a recommendation for sanction. (CLRC 27 NOV 2003)

**30.5.4(3)** The Dean, acting in accordance with 30.5.7, shall decide whether the Student has committed an offence and, if so, whether the sanction recommended by the Instructor or any other sanction is appropriate.

**30.5.5 Procedures in Cases Initiated by Unit Directors Respecting Inappropriate Use Offences**

**30.5.5(1)** When a Unit Director believes that a Student has committed an Inappropriate Use Offence in the unit or department in which the Unit Director works, that Unit Director has the authority to initiate disciplinary proceedings. That person shall meet with the Student about the alleged offence, complete any necessary investigation of the matter, and decide whether or not, on the balance of probabilities, the Student has committed an offence. Before such a meeting, the Unit Director shall inform the Student of the purpose of the meeting and of the Student's right to bring an Advisor [30.2.3]. (EXEC 05 May 2008)

- 30.5.5(2)** In the event that the Student refuses or fails to meet with the Unit Director within a specified period of time, a decision, which may include a sanction, shall be made, taking into account the available evidence.
- 30.5.5(3)** If the Unit Director has determined on the balance of probabilities that the student has committed an offence, the Unit Director will contact the Appeals Coordinator to determine if there is a previous discipline record for the Student. Only when considering what would be an appropriate sanction may the Unit Director take into account the disciplinary record, if any, of the Student. The Unit Director may impose one or more of the sanctions listed in 30.4.3(1). (EXEC 05 May 2008) (CLRC 18 June 2008)
- 30.5.5(4)** If the Unit director believes that owing to the serious nature of the actions of the Student, an Intermediate or Severe Sanction is warranted in addition to or in lieu of any Minor Sanction(s), the Unit Director may forward a written recommendation for a specific Intermediate or Severe Sanction to the Discipline Officer. (EXEC 05 May 2008)
- 30.5.5(5)** Where the Unit Director has decided to recommend to the Discipline Officer that the Student be Expelled, Suspended, or Excluded, the Unit Director shall so inform the Dean of the Faculty in which the Student is registered and consult with the Dean regarding the Student's situation. After making such enquiries as the Unit Director considers necessary, the Unit Director shall either revise the recommendation or confirm and forward it to the Discipline Officer. (EXEC 05 May 2008)
- 30.5.5(6)** Having completed consideration of the matter, the Unit Director shall, in accordance with 30.5.1(6), inform the Student in writing of the decision and the reasons for that decision. The letter shall include information on how the Student can appeal the decision. The Unit Director shall provide a copy of the decision to the Appeals Coordinator and Dean of the Faculty in which the Student is enrolled. The Student may appeal the finding that an offence has been committed and/or the sanction to the UAB under 30.6. (EXEC 05 May 2008)
- 30.5.5(7)** If the Unit Director has recommended an Intermediate or Severe Sanction, in addition to or in lieu of the imposition of a Minor Sanction, the Discipline Officer shall follow the procedures set out in 30.5.8. Any Minor Sanction imposed by the Unit Director will be suspended until the entire appeal process has been exhausted. (EXEC 05 May 2008)
- 30.5.6** **Procedures for University of Alberta Protective Services**
- 30.5.6(1)** The following procedures apply in cases respecting Inappropriate Behaviour towards Individuals or Groups, excluding Disruption in Class [30.3.4(1)a], Inappropriate Use of University Property and Resources [30.3.5] and Other Offences [30.3.6]. (EXEC 05 DEC 2011)

**30.5.6(2) Violation Notice Procedures**

A member of UAPS may, because of the minor nature of the conduct in question or of its effects may issue and serve the Student with a Violation Notice in lieu of initiating any other proceedings to be initiated under this Code. Violation Notices may be issued for Inappropriate Behaviour towards Individuals or Groups (excluding Disruption in Class [30.3.4(1)a], Discrimination [30.3.4(2)], sexual or physical contact with another person without that person's consent [30.3.4(6)a] or harassment or sexual harassment [30.3.4(6)d]); Inappropriate Use of University Property and Resources [30.3.5] and Other Offences [30.3.6] excluding Alcohol Provision and Consumption [30.3.6(1)]. (EXEC 05 DEC 2011)

30.5.6(2) a A Violation Notice shall set out

30.5.6(2) a.i the name of the Student,

30.5.6(2) a.ii the applicable offence,

30.5.6(2) a.iii the name of the member of UAPS who issued the Violation Notice,

30.5.6(2) a.iv the date on which the Violation Notice was issued,

30.5.6(2) a.v the amount of the fine as specified in 30.5.6(2) c and,

30.5.6(2) a.vi the following notice:

"This Violation Notice is issued by the authority of the Board of Governors and the General Faculties Council of the University of Alberta for a contravention of the *Code of Student Behaviour*. Payment in the amount specified hereon must be made to the University of Alberta Financial Services within 15 Working Days of the date of the Violation Notice. Payment shall be accompanied by this Violation Notice.

"This Violation Notice may be contested within 15 Working Days following the date of its issuance. If the basis for contest is that the Violation Notice has been improperly completed, the challenge must be made in person or in writing to University of Alberta Protective Services. In all other cases the challenge shall be made in writing to the Discipline Officer and the Student may request to appear in person before the Discipline Officer.

"If the Student fails to pay the fine or to contest the Violation Notice within 15 Working Days, the University shall be entitled to encumber the Student's Academic Record (*i.e.* make a notation that may result in the withholding of grades or other indicators of academic attainment, withholding of transcripts, or denial or termination of registration) as provided under 30.4.2(3) of the *Code of Student Behaviour*.

"Further information respecting this Violation Notice may be obtained from University of Alberta Protective Services."

30.5.6(2) b A Violation Notice shall be served on the Student in accordance with 30.5.1(6).

- 30.5.6(2) c The specified sanctions listed in 30.4.3(1) c may be levied under a Violation Notice.
- 30.5.6(2) d Payment of the amount set out in the Violation Notice must be made to Financial Services within 15 Working Days of the date of the Violation Notice.
- 30.5.6(2) e A Student may contest the Violation Notice within 15 Working Days of its issuance.
- 30.5.6(2) e.i If the Student contests the Violation Notice on the grounds that the Violation Notice was incorrectly completed, the challenge must be made in person or in writing to the Director of UAPS. The decision of the Director of UAPS in regard to the accuracy of completion of the Violation Notice is final and binding.
- 30.5.6(2) e.ii If the Student contests the charge in the Violation Notice that he or she has committed an offence, and/or the sanction imposed, the Student shall do so in writing to the Discipline Officer. The Discipline Officer will meet with the Student and conduct an investigation. The Discipline Officer may dismiss the charges, vary the sanction, or uphold the original Violation Notice. Sanctions are limited to those provided for on the Violation Notice. The Discipline Officer's decision is final. (GFC 24 SEP 2007) (BEAC 17 OCT 2007) (CLRC 28 AUG 2014)
- 30.5.6(2) f If the Student fails to pay the fine or to contest the Violation Notice within 15 Working Days, the University shall be entitled to encumber the Student's Academic Record as provided under 30.4.2(3).
- 30.5.6(2) g Notwithstanding that a Student has paid the fine specified under a Violation Notice issued under the provisions of this Code, proceedings under other provisions of this Code may be initiated by University Officials other than members of UAPS. In such cases, the amount of the fine paid under the Violation Notice by the Student shall be taken into consideration by any decision making body in determining the appropriate sanction for the Student.
- 30.5.6(2) h Neither the payment of a fine nor the failure to appeal a Violation Notice shall be taken as evidence that a Student has committed an offence in any proceedings under this Code, except in Violation Notice procedures.
- 30.5.6(3) Recommendation to the Discipline Officer**
- 30.5.6(3) a Except in cases involving Violation Notices, if the Director of UAPS decides to proceed with a complaint or if an offence is detected by a member of University of Alberta Protective Services, an investigation shall be conducted and, if disciplinary measures are believed to be warranted, the results of the investigation along with a recommendation as to the appropriate sanction shall be forwarded to the Discipline Officer.

30.5.6(3) b The Discipline Officer shall follow the procedures set out in 30.5.8.

### **30.5.7 Procedures for Deans**

- 30.5.7(1) The following procedures apply in cases respecting Inappropriate Academic Behaviour [30.3.2], Inappropriate Behaviour in Professional Programs [30.3.3] or Class Disruption [30.3.4(1)] or that there has been Misrepresentation of Facts [30.3.6(4)] or Participation in an Offence [30.3.6(5)] in cases respecting Inappropriate Academic Behaviour, Inappropriate Behaviour in Professional Programs or Class Disruption. In cases involving application-related offences, the Dean may delegate responsibility for the case to the Registrar. (CLRC 30 MAY 2002) (EXEC 04 MAY 2009)
- 30.5.7(2) The Dean shall meet with the Student, review the matter and determine if the facts as disclosed by the Complainant or by any University Official who has reported an alleged offence to the Dean are in dispute. Before such a meeting, the Dean shall inform the Student of the purpose of the meeting and of the Student's right to bring an Advisor [30.2.3].
- 30.5.7(2) a If the facts are determined not to be in dispute, the Dean may impose one or more of the Minor Sanctions or Intermediate Sanctions listed in 30.4.3(1) or 30.4.3(2).
- 30.5.7(2) b If the facts are in dispute, the Dean will review the matter further by talking with all parties involved, complete any necessary investigation, and may either dismiss the charges or impose one or more of the Minor Sanctions or Intermediate Sanctions.
- 30.5.7(3) In the event that the Student refuses or fails to meet with the Dean within a period of time specified by the Dean, a decision, which may include a sanction, shall be made, taking into account the available evidence.
- 30.5.7(4) If the Dean has determined on the balance of probabilities that the student has committed an offence, the Dean will contact the Appeals Coordinator to determine if there is a previous discipline record for the Student. Only when considering what would be an appropriate sanction, may the Dean take into account the disciplinary record, if any, of the Student. (EXEC 01 MAY 2006) (CLRC 18 June 2008)
- 30.5.7(5) Having completed consideration of the matter, the Dean shall prepare a written decision. The decision shall include the following:
- 30.5.7(5) a the offence/s alleged to have been committed by the Student,
- 30.5.7(5) b an overview of the relevant evidence that was presented,
- 30.5.7(5) c the reasons underlying the decision.
- 30.5.7(6) If the Student has been found to have committed an offence, the decision shall also include the following:
- 30.5.7(6) a any sanction(s) imposed by the Dean,



- 30.5.7(6) b the date any sanction(s) shall take effect,
- 30.5.7(6) c any recommendation for a Severe Sanction,
- 30.5.7(6) d information, including any history of related offences, that may have been influential in determining the severity of the sanction, and
- 30.5.7(6) e information regarding the Student's rights to appeal, the appeal deadlines as set out in 30.6.1(1), and the appeal procedures, where to get access to the Code and where on-campus assistance is available, and (CLRC 30 MAY 2002)
- 30.5.7(6) f notice that any sanction that imposes conditions upon the Student, and that specifies an additional sanction to be imposed should those conditions not be met, must be appealed at the time it is imposed and within the time limits set out in 30.6.1(1). If the conditions are not met, no further appeal is available when the specified additional sanction is imposed. (EXEC 04 MAR 2002)
- 30.5.7(7) The decision shall be sent to the Student in accordance with 30.5.1(6). Where a Student has requested to pick up the material but fails to do so, the Dean will decide which method of delivery will be used. (CLRC 31 OCT 2002)
- 30.5.7(8) The Dean shall send a copy of the decision to the Appeals Coordinator, the Dean of the Student's Faculty (if different than the Dean who has charged the Student), the Instructor who has initiated the discipline process, and, in the case of a graduate Student, the Graduate Coordinator. (EXEC 08 DEC 2003) (BEAC 11 DEC 2003) (EXEC 02 MAY 2005) (BEAC 02 JUN 2005) (CLRC 24 MAY 2012)
- In programs jointly offered with another institution, the partner institution shall be copied on the decision when the charges have arisen as a result of inappropriate behaviour at that partner institution. (EXEC 02 MAY 2005)
- 30.5.7(9) If a sanction is to be noted on the Student's Central Academic Record, the Dean shall so inform the Office of the Registrar. If a sanction Exclusion from all or parts of campus for a specified period of time is levied, the Dean shall so inform the Director of UAPS. (CLRC 24 MAY 2012)
- 30.5.7(10) If the Dean believes that owing to the serious nature of the actions of the Student, a Severe Sanction is warranted in addition to or in lieu of any Minor or Intermediate Sanction(s), the Dean may forward a written recommendation for a specific Severe Sanction to the Discipline Officer.
- 30.5.7(11) Where the Dean has decided to recommend to the Discipline Officer that the Student be Expelled, Suspended, or Excluded for an unspecified time, and where the Student is registered in another Faculty, the Dean shall so inform the Dean of the Faculty in which the Student is registered and consult with the Dean regarding the Student's situation. After making such enquiries as the Dean considers necessary, the Dean shall either revise the recommendation or confirm and forward it to the Discipline Officer.

- 30.5.7(12)** If the Dean has recommended a Severe Sanction, in addition to or in lieu of the imposition of a Minor Sanction or an Intermediate Sanction, the Discipline Officer shall follow the procedures set out in 30.5.8. Any Minor or Intermediate Sanction (except exclusions) imposed by the Dean will be suspended until the entire appeal process has been exhausted. The Dean shall direct the Registrar to withhold Degrees, certification of marks and/or transcripts pending the outcome of any appeals. If a grade sanction forms part of the decision of the Dean or Discipline Officer, a grade of IN will appear on the transcript until such time as the appeal process has been exhausted or the deadline for appeal has passed. (GFC 24 SEP 2007)
- 30.5.7(13)** If the Dean has found that an offence has been committed and imposed one or more of the Minor or Intermediate Sanctions, the Student may appeal the finding that an offence has been committed and/or the sanction to the UAB under 30.6.

### **30.5.8 Procedures for the Discipline Officer**

**30.5.8(1)** The following procedures apply in cases in which a Unit Director recommends the imposition of an Intermediate or Severe Sanction, the Director of UAPS recommends a sanction or a Dean recommends the imposition of a Severe Sanction.

**30.5.8(2)** The Discipline Officer shall meet with the Student, review the matter and determine if the facts as disclosed by the Unit Director, Director of UAPS or Dean are in dispute. Before such a meeting, the Discipline Officer shall inform the Student of the purpose of the meeting and of the Student's right to bring an Advisor [30.2.3].

In cases stemming from a breakdown in interpersonal relations, the Discipline Officer may, at his or her discretion, offer to refer the parties to voluntary mediation before proceeding with charges under this Code. Both parties must agree to pursue mediation. If as a result of mediation both parties agree the conflict is successfully resolved, no further disciplinary steps will be taken. (GFC 24 SEP 2007)

**30.5.8(3)** In the event that the Student refuses or fails to meet with the Discipline Officer within a period of time specified by the Discipline Officer, a decision and a sanction shall be arrived at taking into account the available evidence.

**30.5.8(4)** The Discipline Officer may or may not decide to follow the recommendations of the Dean, Director of UAPS or Unit Director.

**30.5.8(4) a** If the facts are determined not to be in dispute, the Discipline Officer may impose one or more of the sanctions listed in 30.4.3(3).

**30.5.8(4) b** If the facts are in dispute, the Discipline Officer shall conduct any necessary investigation, which will normally include talking with all parties involved. The Discipline Officer may either dismiss the charges or impose one or more of the sanctions listed in 30.4.3(3). Only in the case where the Discipline Officer decides that the Student has not committed an offence may the Discipline Officer remove any sanction imposed by the Unit Director or Dean.

Otherwise, the sanction imposed by the Unit Director, or Dean will stand whether or not the Discipline Officer follows the recommendation of the Unit Director, or Dean. (CLRC 30 MAY 2002)

- 30.5.8(4) c If the Discipline Officer has determined on the balance of probabilities that the student has committed an offence, the Discipline Officer will contact the Appeals Coordinator to determine if there is a previous discipline record for the Student. Only when considering what would be an appropriate sanction, may the Discipline Officer take into account any past record of related offences of the Student. (EXEC 01 MAY 2006) (CLRC 18 June 2008)
- 30.5.8(5) Having completed consideration of the matter, the Discipline Officer shall prepare a decision, which shall include the following:
- 30.5.8(5) a the offence(s) alleged to have been committed by the Student,
- 30.5.8(5) b an overview of the relevant evidence that was presented,
- 30.5.8(5) c a summary of the findings of the Discipline Officer, and
- 30.5.8(5) d the reasons underlying the decision.
- 30.5.8(6) If the Student has been found to have committed an offence under this Code, the decision shall also include the following:
- 30.5.8(6) a any sanction(s) imposed by the Discipline Officer,
- 30.5.8(6) b the date any sanction(s) shall take effect,
- 30.5.8(6) c information, including any history of related offences, that may have been influential in determining the severity of the sanction,
- 30.5.8(6) d information regarding the Student's rights to appeal, the deadlines to appeal, and the procedures for appeal, where to get access to the Code and where on-campus assistance is available, and
- 30.5.8(6) e notice that any sanction that imposes conditions upon the Student, and that specifies an additional sanction to be imposed should those conditions not be met, must be appealed at the time it is imposed and within the time limits set out in 30.6.1(1). If the conditions are not met, no further appeal is available when the specified additional sanction is imposed. (EXEC 04 MAR 2002)
- 30.5.8(7) The decision shall be sent to the Student in accordance with 30.5.1(6). Where a Student has requested to pick up the material but fails to do so, the Discipline Officer will decide which method of delivery will be used. (CLRC 31 OCT 2002)
- 30.5.8(8) The Discipline Officer shall send a copy of the decision to the following individuals:
- a) the Appeals Coordinator;

- b) Director of UAPS, Unit Director and/or Dean who charged the student;
- c) the Dean of the Student's Faculty;
- d) the Instructor who initiated the discipline process, where applicable;
- e) in the case of a graduate Student found to have committed any offences under Section 30.3.2 (Inappropriate Academic Behaviour) or Section 30.3.6 (Other Offences) for academic advantage, the Graduate Coordinator;
- f) the Office of General Counsel; and
- g) the Provost and Vice-President (Academic), or delegate. (EXEC 08 DEC 2003) (BEAC 11 DEC 2003) (EXEC 02 MAY 2005) (BEAC 02 JUN 2005) (CLRC 24 MAY 2012)

In programs jointly offered with another institution, the partner institution shall be copied on the decision when the charges have arisen as a result of inappropriate behaviour at that partner institution. (EXEC 02 MAY 2005)

- 30.5.8(9)** If a sanction is to be noted on the Student's Central Academic Record or Transcript, the Discipline Officer shall so inform the Office of the Registrar. (CLRC 24 MAY 2012)
- 30.5.8(10)** The decision of the Discipline Officer may be appealed to the UAB under 30.6 by the Student and/or the Director of UAPS, the Unit Director, or Dean. (CLRC 30 JAN 2003)
- 30.5.8(11)** During the appeal period, a Student appealing to the UAB a decision of Suspension or Expulsion made by the Discipline Officer, may register for Classes and continue to attend Classes. If the Student loses the appeal, no credit will be given for work completed subsequent to the date given in the UAB decision. (CLRC 26 SEP 2002) (EXEC 10 JAN 2005) (BEAC 22 APR 2005) (CLRC 24 MAY 2012)

## **30.6 Procedures for Appeal of Decisions to the University Appeal Board (UAB)**

### **30.6.1 Initiation of an Appeal**

- 30.6.1(1)** When a Student has been found to have committed an offence under the Code of Student Behaviour or an Applicant is found to have committed a offence under the Code of Applicant Behaviour, whether or not that Student or Applicant has been given a sanction, the Student or Applicant may appeal that decision, except in the case of a decision of the Discipline Officer under 30.5.6(2)e.ii, which remains final and is not subject to appeal. In cases where a severe sanction has been recommended to the Discipline Officer, once the student receives the final decision of the Discipline Officer, the student can appeal the decisions of both Dean and the Discipline Officer at the same time. The written appeal must be presented to the Appeals Coordinator in University Governance within 15 Working Days of the

deemed receipt of the decision by the Student or Applicant. The finding that an offence has been committed, the sanction imposed or both may form the basis of appeal. The written appeal must also state the full grounds of appeal and be signed by the Appellant. The appeal shall be heard by the UAB. (CLRC 30 MAY 2002) (CLRC 25 SEP 2003) (EXEC 01 MAY 2006) (GFC 24 SEP 2007) (BEAC 17 OCT 2007) (EXEC 03 DEC 2012)

- 30.6.1(2)** A Dean, the Director of UAPS or a Unit Director may appeal a decision of the Discipline Officer. The appeal must be presented in writing to the Appeals Coordinator in University Governance within 15 Working Days of the deemed receipt of the Discipline Officer's written decision. The decision shall normally be sent by campus mail and will be deemed to have been received 2 working days following mailing. The written appeal must state the full grounds of appeal and be signed by the Appellant. The appeal shall be heard by the UAB. (CLRC 30 JAN 2003) (EXEC 03 MAY 2004) (EXEC 02 MAY 2005)
- 30.6.1(3)** If the appeal is only on the severity of sanction and there is no dispute over facts, the appellant or respondent may request to forego a formal hearing and elect to ask the UAB to hear the appeal only on paper. The request will be made in writing to the Appeals Coordinator, who shall forward it to the Chair for decision. To proceed with a paper appeal, all parties must agree to the request. (GFC 24 SEP 2007) (BEAC 17 OCT 2007)
- 30.6.1(4)** The Appeals Coordinator shall keep both parties abreast of all appeals and decisions.
- 30.6.2** **Terms of Reference and Powers**
- 30.6.2(1)** The UAB, as delegate of General Faculties Council and the Board of Governors, shall have authority to determine whether or not an offence has been committed and to confirm, vary or quash sanctions imposed under the Code of Student Behaviour or the Code of Applicant Behaviour (Section 11.8 of the GFC Policy Manual). Any conditions imposed within a sanction and any additional sanction to be imposed should those conditions not be met, must be appealed at the time they are imposed and within the time limits set out in 30.6.1(1). If the conditions are not met, no further appeal is available when the specified additional sanction is imposed. (EXEC 04 MAR 2002) (CLRC 25 SEP 2003)
- 30.6.2(2)** Meetings of the UAB shall be scheduled as required to hear and determine appeals against discipline decisions.
- 30.6.2(3)** All decisions made by the UAB will be final and binding.
- 30.6.2(4)** The appeal shall be based upon the denial of the offence, and/or the severity of the sanction. A defect in procedures shall not warrant the quashing of the decision being appealed from unless the defect complained of can reasonably be said to have deprived either party of a fair hearing.

### **30.6.3 Composition**

- 30.6.3(1)** For each hearing the UAB shall consist of 1 Academic Staff Member as chair and 2 Students. Each member shall be chosen from the panels listed below.
- 30.6.3(2)** All panel members (Academic Staff Members and Students) shall be elected by GFC. In selecting members of the Panel, GFC will attempt to keep the membership of the UAB as broadly representative as possible of all Faculties given the available pool of candidates, but it will be permissible for any of the panel members to come from one of the Faculties already represented by one of the other panel members.
- 30.6.3(3)** Panel of Chairs: GFC shall elect a panel of up to seven Academic Staff Members to serve as chairs of particular hearings. At least one of the panel members shall have a Law Degree. The Appeals Coordinator has the discretion to select a panel member with a Law Degree to chair a particular hearing. The panel members will serve for staggered terms of office of up to four years.
- 30.6.3(4)** Panel of Students: GFC shall elect a panel of 10 undergraduate Students and 6 graduate Students. All Student members shall be elected for up to two-year terms and are eligible for re-election. (EXEC 01 MAR 2004) (BEAC 30 APR 2004)
- 30.6.3(5)** When a hearing involves an undergraduate Student or an undergraduate Applicant\*, the UAB will include at least one undergraduate Student. When a hearing involves a graduate Student or a graduate Applicant\*, the UAB will include at least one graduate Student. For the purposes of selection and service on the UAB, graduate Students are considered to be from the Faculty where they receive supervision. Students who are in any joint graduate/undergraduate Degree program (e.g., the joint MBA/LLB program) are considered to be graduate Students for the purpose of service and selection on the UAB. (EXEC 01 MAY 2006) (EXEC 04 JUN 2012)
- \*Applicant is defined in Section 11.8.3.4 of the Code of Applicant Behaviour.
- 30.6.3(6)** No UAB member in a hearing will be from a Faculty which is party to the dispute. Students in any joint Degree program will not be called upon to hear appeals that arise from any of the Faculties involved in the joint program.
- 30.6.3(7)** If all faculty members from the Panel of Chairs are unable to serve, the Appeals Coordinator may complete a Panel by selecting, in rotation, first from the UAB Panel of Chairs, and then from the GFC AAC Panel of Chairs. (EXEC 04 JUN 2012)
- If all student members from the Panel of Students are unable to serve, the Appeals Coordinator may complete a Panel by selecting, in rotation, either one full-time undergraduate student or one full-time graduate student, from the GFC AAC Panel of Students. (EXEC 04 JUN 2012)

The GFC Executive Committee shall have the discretion to appoint an Academic Staff Member as Chair for a hearing from outside the UAB or GFC AAC Panel of Chairs. (EXEC 04 JUN 2012)

- 30.6.3(8)** At the discretion of the Chair, new members may attend a hearing as observers.
- 30.6.3(9)** Any panel member who has been called to serve on the UAB for a particular case may complete their service on that case even if his or her term on a panel expires or, in the case of students, a student graduates or changes status from undergraduate to graduate.
- 30.6.3(10)** The Appeals Coordinator or designate may approach the Provost and Vice-President (Academic) (or delegate) if he/she becomes aware of any reason why a particular member is unable to serve on a hearing panel, and request that the UAB member not be called upon to hear the appeal. The decision of the Provost and Vice-President (Academic) (or delegate) is final and binding. (CLRC 25 NOV 2004) (EXEC 10 JAN 2005) (BEAC 22 APR 2005)

#### **30.6.4 Procedures Prior to a Hearing**

- 30.6.4(1)** As soon as an appeal is received the Appeals Coordinator shall:
- 30.6.4(1) a provide the Appellant with a written acknowledgement of the appeal;
  - 30.6.4(1) b provide the Student or Applicant with a list of on-campus sources of assistance; (EXEC 01 MAY 2006)
  - 30.6.4(1) c provide the Respondent with a copy of the written appeal, and advise the Respondent that a response is required within 10 Working Days; (CLRC 30 MAY 2002)
  - 30.6.4(1) d select a Chair for the UAB hearing;
  - 30.6.4(1) e provide both the Appellant and the Respondent with the name of the proposed UAB Chair and the names of all members of the panel;
  - 30.6.4(1) f direct the Registrar to withhold Degrees, certification of marks and/or transcripts pending the outcome of the appeal;
  - 30.6.4(1) g suspend any sanctions, **except exclusions**, imposed by the Dean or Discipline Officer, and suspend any sanctions imposed by University of Alberta Protective Services, the Registrar or Unit Director. (BEAC 22 APR 2005) (EXEC 01 MAY 2006)
- 30.6.4(2)** The Appellant and Respondent will have 5 Working Days after receipt of the names to lodge a written challenge with the Appeals Coordinator requesting that the proposed UAB Chair or a panel member not serve on the appeal.
- 30.6.4(3)** Challenges may be made only on the grounds that the proposed UAB Chair or panel member may have a bias that would prevent a fair hearing and must include written reasons to support the challenge. The Chair shall consider and rule upon the

challenge. The decision of the Chair may be made without a hearing and shall be final and binding. If the UAB Panel has been constituted, the Appeals Coordinator will replace the UAB member with another member who will be selected by rotation from the same constituent group (i.e., academic staff, undergraduate Student or graduate Student). (EXEC 04 JUN 2012)

- 30.6.4(4) For each appeal, every attempt will be made to have a member in reserve from each category, prepared in advance to attend the hearing. (CLRC 30 JAN 2003)
- 30.6.4(5) All UAB members should declare to the Appeals Coordinator their interests, if any, in a particular case in order to ensure objectivity and a fair hearing.
- 30.6.4(6) The Appellant and Respondent must notify the Appeals Coordinator immediately upon selecting an Advisor or retaining legal counsel for purposes of representation at the UAB hearing.
- 30.6.4(7) Upon receipt of the response to the appeal, a copy will be provided to the Appellant.
- 30.6.4(8) Appeals are intended to proceed in a timely manner and the hearing date will normally be set to occur within 30 Working Days of the receipt of the appeal.
- 30.6.4(9) A witness list must be provided to the Appeals Coordinator by both the Appellant and the Respondent at least 5 Working Days prior to the hearing date. The Appeals Coordinator shall ensure that as witnesses become known, the other party and the UAB are informed as to the identity of the witnesses.
- 30.6.4(10) The UAB Chair in consultation with the Appeals Coordinator will decide any procedural questions that arise before the hearing.
- 30.6.4(11) Either the Appellant or the Respondent may request in writing an extension of any time limits. The UAB Chair may extend any of the time limits where he or she is of the opinion that the applicant has a reasonable ground for requesting such extension. The decision of the UAB Chair may be made without a hearing and shall be final and binding.
- 30.6.4(12)
  - a. The Appeals Coordinator shall consult with the Chair, who shall set a time and place for the hearing of the appeal. (CLRC 30 MAY 2002)
  - b. Reasonable delays are allowed but should either party feel that an unreasonable time has passed without the date of the hearing being set, either party may appeal to the UAB Chair, through the Appeals Coordinator, for a ruling as to whether the delay is reasonable. If the UAB Chair decides the delay is unreasonably long, then the UAB Chair shall set the appeal hearing date within 10 Working Days and the appeal hearing must occur within 20 Working Days. The decision of the UAB Chair may be made without a hearing and is final and binding. (CLRC 30 MAY 2002)



c. The UAB Chair sets the time and place for the hearing, and the Appeals Coordinator shall constitute the University Appeal Board and provide its members with:

- i. the date, time and place of the Appeal Hearing,
- ii. the appeal and any documentation from the respondent, and
- iii. if applicable, the written report of the Discipline Officer. (CLRC 30 JAN 2003)

**30.6.4(13)** The Appeals Coordinator shall make certain that both parties have access to the Student's or Applicant's discipline file held in the Office of Student Judicial Affairs, Dean's Office, the Director of University of Alberta Protective Services' Office, the Registrar's Office or the Unit Director's Office, up until the time of an appeal hearing. (CLRC 29 MAY 2003) (EXEC 01 MAY 2006) (EXEC 02 APR 2012)

**30.6.4(14)** Notices and other appeal materials sent by the Appeals Coordinator may be hand-delivered, sent by courier, or by regular or registered mail in accordance with 30.5.1(6). In all cases, the Appeals Coordinator will decide which method of delivery will be used.

**30.6.4(15)** Once the date for the appeal hearing is set, the Dean and/or the Director of UAPS shall inform the Complainants that they may request permission to attend the full hearing of their case. The Director of UAPS shall forward such requests to the Appeals Coordinator. The UAB Chair shall decide whether a Complainant may attend as an observer for all or part of the hearing.

### **30.6.5 Procedures at the UAB Hearing**

**30.6.5(1)** The quorum of the UAB shall be three members: the Chair, and two Student members.

**30.6.5(2)** In hearing an appeal, the UAB:

- a) shall give all parties to the appeal the opportunity to be heard and to present evidence;
- b) in addition to considering the evidence presented and the arguments and submissions of the parties, may consider the written reports or written decisions that are under appeal; and
- c) may make any finding or decision of its own, or otherwise confirm, reverse or vary the decision under appeal. (GFC 24 SEP 2007) (BEAC 17 OCT 2007)

**30.6.5(3)** If the Appellant or Respondent does not appear on the date set for the hearing of the appeal, the UAB may, in its discretion, reschedule the hearing or proceed with the hearing in the absence of the Appellant or the Respondent. (EXEC 01 MAY 2006)

- 30.6.5(4) The UAB is authorized to receive advice related to procedural, evidentiary or legal issues raised during the course of an appeal.
- 30.6.5(5) The UAB may request additional material, seek advice from expert witnesses and may have a resource person or persons attend any or all portions of its hearings.
- 30.6.5(6) Material not submitted and/or witnesses not identified prior to an appeal hearing will not be accepted unless the UAB is of the opinion that, with the exercise of reasonable diligence, the material or witnesses could not have been made available or identified prior to the hearing and that the material or testimony of the witnesses is relevant to the appeal.
- 30.6.5(7) The UAB may accept any evidence that it, in its sole discretion, considers proper, whether admissible in a court of law or not; and it is not bound by the Alberta Evidence Act or the law of evidence applicable to judicial proceedings.
- 30.6.5(8) Either party may be accompanied and represented by one Advisor. (EXEC 03 DEC 2012)
- 30.6.5(9) The UAB shall hear the argument of both sides to the appeal and then, by majority vote, shall determine whether or not an offence has been committed and uphold or quash the decision under appeal. Where a decision against a Student or Applicant is upheld, the UAB may confirm, vary or suspend the sanction imposed. (EXEC 04 JUN 2012)
- 30.6.5(10) Both parties and the UAB may call and question witnesses and may call evidence. Each party is responsible for securing the attendance of their witnesses at the hearing.
- 30.6.5(11) **UAB Suggested Hearing Procedures**
- 30.6.5(11) The UAB shall conduct hearings in a manner which, in its sole discretion, it considers proper. All determinants of process shall be made by the Chair. The hearing will normally follow these procedures, which it may vary: (EXEC 04 JUN 2012)
- 30.6.5(11) a The Appeals Coordinator shall present the appeal to the UAB, and introduce the parties. (EXEC 04 JUN 2012)
- 30.6.5(11) b The Chair shall explain the rules of decorum, review the procedures to be followed, and confirm the jurisdiction of the UAB. The Appellant and Respondent may make statements, present evidence and ask questions as noted in this section. All questions should be directed through the Chair unless the Chair decides otherwise. The Chair shall ensure that everyone has sufficient opportunity to ask questions. (EXEC 04 JUN 2012)
- 30.6.5(11) c The Chair shall invite the Appellant (and/or Advisor) to make an opening statement and present the case. (EXEC 04 JUN 2012)

- 30.6.5(11) d The Chair will invite the Respondent (and/or Advisor) to question the Appellant. (EXEC 04 JUN 2012)
- 30.6.5(11) e The Panel may question the Appellant. (EXEC 04 JUN 2012)
- 30.6.5(11) f The Appellant's witnesses shall be called by the Chair one at a time and shall be present only when they are providing evidence. The witnesses shall be questioned first by the Appellant (and/or Advisor), then by the Respondent (and/or Advisor), and finally by the Panel. The Appellant (and/or Advisor) may then re-question the witness, only on matters that have arisen in the course of the previous questioning by the aforementioned parties. (EXEC 04 JUN 2012)
- 30.6.5(11) g When questioning is concluded, the witness shall be dismissed by the Chair. The questioning procedures shall be repeated for each witness. (EXEC 04 JUN 2012)
- 30.6.5(11) h The Chair shall invite the Respondent (and/or Advisor) to make an opening statement and present the case. (EXEC 04 JUN 2012)
- 30.6.5(11) i The Chair shall invite the Appellant (and/or Advisor) to question the Respondent. (EXEC 04 JUN 2012)
- 30.6.5(11) j The Panel may question the Respondent. (EXEC 04 JUN 2012)
- 30.6.5(11) k The Respondent's witnesses shall be called by the Chair one at a time and shall be present only when they are providing evidence. The witnesses shall be questioned first by the Respondent (and/or Advisor); next by the Appellant (and/or Advisor); and finally by the Panel. The Respondent (and/or Advisor) may re-question the witness, only on matters that have arisen in the course of the previous questioning by the aforementioned parties. (EXEC 04 JUN 2012)
- 30.6.5(11) l When questioning is concluded, the witness shall be dismissed by the Chair. The questioning procedures shall be repeated for each witness. (EXEC 04 JUN 2012)
- 30.6.5(11) m The Chair shall invite the Appellant (and/or Advisor) to present any evidence he/she may have by way of rebuttal. Such evidence shall be subject to questioning by the Respondent (and/or Advisor); followed by the Panel. (EXEC 04 JUN 2012)
- 30.6.5(11) n The Chair shall invite the Appellant (and/or Advisor) to make a brief closing statement which is not subject to questioning. (EXEC 04 JUN 2012)
- 30.6.5(11) o The Chair shall invite the Respondent (and/or Advisor) to make a brief closing statement which is not subject to questioning. (EXEC 04 JUN 2012)
- 30.6.5(11) p The Chair shall adjourn the hearing for deliberation; the Appellant and Respondent (and Advisors) shall leave the hearing. (EXEC 04 JUN 2012)
- 30.6.5(12)** The UAB will deliberate and reach a decision by majority vote. In cases where the UAB has determined on the balance of probabilities that the Student or Applicant has committed an offence(s), or if otherwise relevant to the consideration of the appropriate sanction, the UAB may take into account any past record of related offence(s) in determining appropriate

sanction(s). The UAB may contact the Appeals Coordinator to confirm if there is a previous discipline record. (EXEC 01 MAY 2006) (EXEC 08 SEPT 2008) (EXEC 04 JUN 2012)

**30.6.5(13)** The Chair of the Panel, where practical, will communicate the decision to the Appeals Coordinator. The Appeals Coordinator, as soon as possible, will relay the decision to the Appellant (and Advisor) and the Respondent (and Advisor). (EXEC 04 JUN 2012)

**30.6.5(14)** The Chair shall normally submit the written decision of the UAB to the Appeals Coordinator within 10 Working Days of the decision being reached. The Appeals Coordinator shall then send a copy of the UAB's decision to the following individuals:

- a) the Appellant/ Respondent and his/her respective advisor;
- b) the Dean of Student's Faculty;
- c) the Discipline Officer, in cases where his/her decision has been appealed;
- d) the Instructor who initiated the discipline process, where applicable;
- e) in the case of a graduate Student, the Graduate Coordinator
- f) the Provost and Vice-President (Academic), or delegate;
- g) the Office of General Counsel;
- h) Chair of the Campus Law Review Committee;
- i) members on the hearing panel; and
- j) the Panel of Chairs.

(CLRC 29 NOV 2001) (CLRC 30 JAN 2003) (EXEC 08 DEC 2003) (BEAC 11 DEC 2003) (BEAC 02 JUN 2005) (EXEC 04 JUN 2012)

In programs jointly offered with another institution, the partner institution shall be copied on the UAB decision when the charges have arisen as a result of inappropriate behaviour at that partner institution. (BEAC 02 JUN 2005)

Code of Applicant Behaviour decisions shall be sent to the Registrar and all Faculties to which the Applicant has sought admission. (EXEC 01 MAY 2006)

**30.6.5(15)** The Appeals Coordinator will direct the Registrar to amend the Student's Central Academic Record or Transcript as appropriate to the decision. (CLRC 30 SEPT 2004) (EXEC 10 JAN 2005) (BEAC 22 APR 2005) (EXEC 01 MAY 2006) (EXEC 15 JUN 2012)

**30.6.6** **Hearings of the University Appeal Board are closed to the Public and University Community.**

**30.6.6(1)** The confidential and closed nature of this hearing means that only those persons who have a need to know about the matter may have access to the relevant material.

**30.6.6(2)** If the Vice President (Academic) and Provost and/or the Dean of Students believe that the general issues related to discipline cases should be discussed within the University Community, then a time and venue for such a discussion to take place will be arranged.

## **30.7 Amendment of the Code**

### **30.7.1 Legislative Authority**

General Faculties Council (GFC) and the Board of Governors may amend the Code in exercise of the authority vested in them by Section 31 of the *Post-Secondary Learning Act*. (CLRC 25 SEP 2003) (CLRC 29 OCT 2004 e-mail vote)

### **30.7.2 Editorial Amendments**

**30.7.2(1)** The Campus Law Review Committee (CLRC) decides which amendments are editorial. (CLRC 29 OCT 2004 e-mail vote)

**30.7.2(2)** On delegated authority from GFC, all editorial amendments will be approved by the Campus Law Review Committee (CLRC) except editorial amendments to Section 30.6. (CLRC 29 OCT 2004 e-mail vote)

**30.7.2(3)** All amendments to Section 30.6 will be forwarded to the GFC Executive Committee for approval. (CLRC 29 OCT 2004 e-mail vote)

### **30.7.3 Substantive Amendments**

**30.7.3(1)** Amendments to the Code deemed substantive by CLRC are forwarded to the GFC Executive Committee, which will decide whether or not it can act on behalf of GFC. (CLRC 29 OCT 2004 e-mail vote)

**30.7.3(2)** Only substantive changes to Section 30.6 proceed to the Board Educational Affairs Committee, which will decide whether or not it can act on behalf of the Board of Governors. (BEAC 11 JUNE 2004)

**30.7.3(3)** The Secretary to GFC must notify Students' Union and the Graduate Students' Association of all substantive changes to the Code (including Section 30.6) 15 Working Days before those changes are considered by GFC. The Students' Union and the Graduate Students' Association will be invited to contact their members so that the Students can access the changes on the World Wide Web via University Governance's home page.

**30.7.4** The Code must be published in each issue of the University Calendar. All amendments approved to the Code and subsequent to the publication of the Calendar are available on-line at:  
<http://governance.ualberta.ca/CodesofConductandResidenceCommunityStandards/CodeofStudentBehaviour.aspx> (CLRC 29 OCT 2004 e-mail vote)

**30.7.5** The Coordinator of CLRC, in consultation with the Appeals Coordinator, shall maintain the Official Copy of the Code and all amendments thereto. (CLRC 29 OCT 2004 e-mail vote)

(CLRC 29 NOV 2001)	(EXEC 02 MAY 2005)
(CLRC 28 FEB 2002)	(BEAC 02 JUN 2005)
(EXEC 04 MAR 2002)	(CLRC 23 JUN 2005)
(CLRC 22 APR 2002)	(EXEC 01 MAY 2006)
(CLRC 30 MAY 2002)	(BG 12 MAY 2006)
(CLRC 26 SEP 2002)	(GFC 24 SEP 2007)
(CLRC 31 OCT 2002)	(BEAC 17 OCT 2007)
(EXEC 13 JAN 2003)	(CLRC 22 NOV 2007)
(CLRC 30 JAN 2003)	(EXEC 07 JAN 2008)
(CLRC 27 MAR 2003)	(EXEC 05 MAY 2008)
(EXEC 07 APR 2003)	(BG 12 MAY 2008 effective JULY 1, 2008)
(CLRC 27 NOV 2003)	(CLRC 18 JUN 2008)
(EXEC 08 DEC 2003)	(EXEC 08 SEP 2008)
(BEAC 11 DEC 2003)	(CLRC 25 SEP 2008)
(EXEC 01 MAR 2004)	(CLRC 29 JAN 2009)
(BEAC 30 APR 2004)	(EXEC 02 MAR 2009)
(EXEC 03 MAY 2004)	(EXEC 04 MAY 2009)
(BHRCC 05 MAY 2004)	(CLRC 24 NOV 2011)
(CLRC 27 MAY 2004)	(EXEC 05 DEC 2011)
(BEAC 11 JUN 2004)	(CLRC 26 JAN 2012)
(EXEC 14 JUN 2004)	(CLRC 22 MAR 2012)
(CLRC 30 SEP 2004)	(EXEC 02 APR 2012)
(CLRC 29 OCT 2004 e-mail vote)	(CLRC 24 MAY 2012)
(CLRC 25 NOV 2004)	(EXEC 04 JUN 2012)
(EXEC 10 JAN 2005)	(CLRC 22 NOV 2012)
(CLRC 03 MAR 2005)	(EXEC 03 DEC 2012)
(EXEC 04 APR 2005)	(CLRC 25 APR 2013)
(BEAC 22 APR 2005)	(CLRC 06 JUN 2013)
	(GFC 03 FEB 2014)
	(CLRC 28 AUG 2014)
	(EXEC 12 NOV 2014)
	(GFC 28 SEPT 2015)