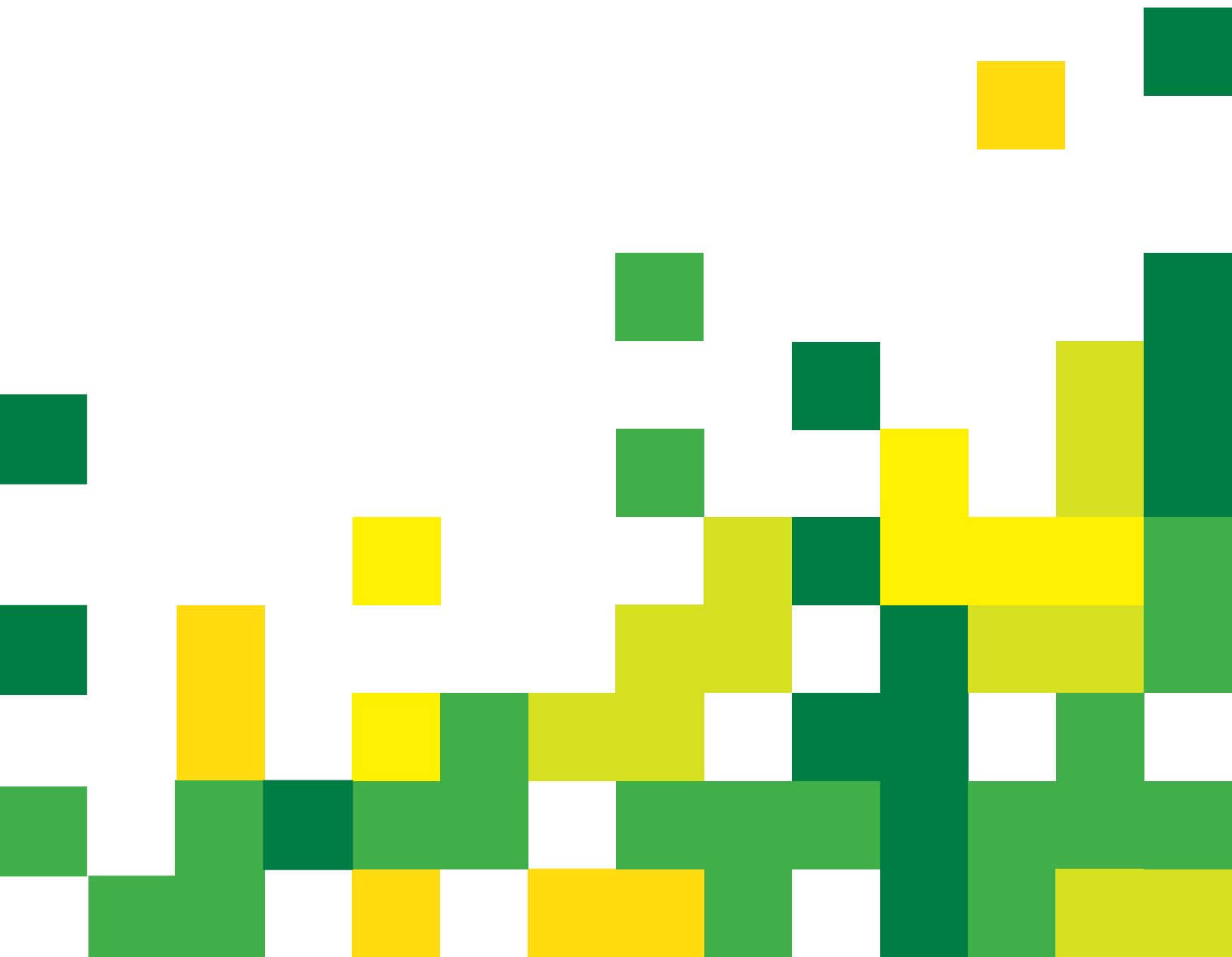


# **A COMPARISON OF STUDENTS' RIGHTS AT THE UNIVERSITY OF ALBERTA AND SELECT CANADIAN POST-SECONDARY INSTITUTIONS**

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UNIVERSITY OF ALBERTA STUDENT'S UNION

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<b>RESEARCH BRIEF OUTLINE</b>	<b>1</b>
<b>I. STUDENT RIGHTS AT THE UNIVERSITY OF ALBERTA</b>	<b>3</b>
University of Alberta Calendar	3
Assessment and Grading Policy and Procedures	3
The Code of Student Behaviour	4
Ethical Conduct and Safe Disclosure Policy	4
Discrimination, Harassment, and Duty to Accomodate Policy	5
Sexual Violence Policy	5
Relevant Legislation	6
<b>II. DIMENSIONS OF STUDENT RIGHTS ACROSS CANADA</b>	<b>7</b>
Academic Rights and Responsibilities	7
Procedural Rights and Responsibilities	7
Participation/Representation Rights and Responsibilities	8
Fundamental Rights and Responsibilities	9
<b>III. CONCLUDING COMMENTS</b>	<b>10</b>

# RESEARCH BRIEF OUTLINE



This research brief outlines the current state of students' rights at the University of Alberta compared to select Canadian universities (such as McGill, McMaster, Bishop's and Trent) that have consolidated rights documents, such as a Charter of Students' Rights and Responsibilities (referred to as "Code" at McMaster). The brief is organized in three major sections. It begins with an overview of the rights afforded to students at the University of Alberta through various policies and legislation; the brief then examines the four other universities that have granted their students rights above and beyond what is required of them by law; it concludes with comments that highlight the gaps identified at the University of Alberta through comparison.

# I. STUDENT RIGHTS AT THE UNIVERSITY OF ALBERTA



As there is no consolidated rights document at the University of Alberta, students' rights are spread throughout several university policies. The following documents outline students' rights in different areas. In brackets are the categories of rights that the documents fall under, for the purpose of comparing them to the rights afforded by other universities later in the brief.

## UNIVERSITY OF ALBERTA CALENDAR<sup>1</sup>

### [ACADEMIC RIGHTS]

- Absence from Term Work and Final Exams: students only have the right to be accommodated regarding missed term work on the basis of religion, mental or physical health, or as outlined in the Discrimination, Harassment, and Duty to Accommodate policy. To apply for accommodation on term work or absences, the student must apply to their instructor; to apply for accommodation in regards to absence from final exams, the student must apply to their faculty.
- Final Examinations cannot be less than 30% or more than 70% of a final grade, except when authorized by the Faculty.
- Course outlines must include the course description, required textbooks and materials, any additional fees, distribution of grades, examination and assignment due dates, access to representative evaluative course material, and information on academic integrity.
- Medical notes cannot be requested of a student if they require accommodation based on illness.
- If a student fails a course but received a GPA of 2.0 or higher in their term (inclusive of that failed course), they may apply for a reexamination of that course. This is only permitted when the final exam was worth 40% or higher of the final exam. There are exceptions to this for certain students in Medicine and Dentistry, Nursing, and Pharmacy.

## ASSESSMENT AND GRADING POLICY AND PROCEDURES<sup>2</sup>

### [ACADEMIC RIGHTS]

The following are rights and guarantees afforded to students related to grading, as outlined in the Assessment and Grading Policy, the Access to Evaluative Course Material Procedure<sup>3</sup>, and the Grading Procedure<sup>4</sup>:

- The course syllabus shall include all information concerning assignments and grading.
- Students have the right to access past or representative evaluative course material for final exams and for assignments or tests that account for 30% or greater of a student's final grade. Certain courses and departments may be exempted from this, however, at the discretion of the Faculty Council.

- 1 [calendar.ualberta.ca/content.php?ca-toid=20&navoid=4939#Changes\\_in\\_Regulations](http://calendar.ualberta.ca/content.php?ca-toid=20&navoid=4939#Changes_in_Regulations)
- 2 [policiesonline.ualberta.ca/PoliciesProcedures/Policies/Assessment-and-Grading-Policy.pdf](http://policiesonline.ualberta.ca/PoliciesProcedures/Policies/Assessment-and-Grading-Policy.pdf)
- 3 [policiesonline.ualberta.ca/PoliciesProcedures/Procedures/Access-to-Evaluative-Course-Material-Procedure.pdf](http://policiesonline.ualberta.ca/PoliciesProcedures/Procedures/Access-to-Evaluative-Course-Material-Procedure.pdf)
- 4 [policiesonline.ualberta.ca/PoliciesProcedures/Procedures/Grading-Procedure.pdf](http://policiesonline.ualberta.ca/PoliciesProcedures/Procedures/Grading-Procedure.pdf)



## THE CODE OF STUDENT BEHAVIOUR<sup>5</sup>

### [PROCEDURAL RIGHTS]

When they are accused of having committed an offence under the Code of Student Behaviour, students at the U of A have the following rights:

- To be presumed innocent until proven guilty;
- To choose to not self-incriminate;
- To adjudication within a reasonable amount of time;
- To consult an advisor and be accompanied by that advisor;
- To information regarding the case against them, as well as the time, place, and nature of any meeting or hearing;
- To present evidence and call witnesses;
- To reasoning for any decision made against them;
- Students who have been negatively impacted by another student who is receiving disciplinary action have the following rights:
  - To be consulted before any informal resolution of charges against the respondent;
  - To provide evidence of injury or damages;
  - To be informed of the time, date and place of hearings regarding relevant charges;
  - To be informed of the sanctions imposed on the respondent related to offences relevant to the person.

<sup>5</sup> [governance.ualberta.ca/en/CodesofConductandResidenceCommunityStandards/CodeofStudentBehaviour/301Introduction/3011RightsUndertheCodeofStudent.aspx](https://governance.ualberta.ca/en/CodesofConductandResidenceCommunityStandards/CodeofStudentBehaviour/301Introduction/3011RightsUndertheCodeofStudent.aspx)

<sup>6</sup> [policiesonline.ualberta.ca/PoliciesProcedures/Policies/Ethical-Conductand-Safe-Disclosure-Policy.pdf](https://policiesonline.ualberta.ca/PoliciesProcedures/Policies/Ethical-Conductand-Safe-Disclosure-Policy.pdf)

<sup>7</sup> [policiesonline.ualberta.ca/PoliciesProcedures/Procedures/Ethical-Conductand-Safe-Disclosure-Procedure.pdf](https://policiesonline.ualberta.ca/PoliciesProcedures/Procedures/Ethical-Conductand-Safe-Disclosure-Procedure.pdf)

<sup>8</sup> [policiesonline.ualberta.ca/PoliciesProcedures/Procedures/Ethical-Conductand-Safe-Disclosure-Procedure-Disclosures-Under-The-Public-Interest-Disclosure-Act.pdf](https://policiesonline.ualberta.ca/PoliciesProcedures/Procedures/Ethical-Conductand-Safe-Disclosure-Procedure-Disclosures-Under-The-Public-Interest-Disclosure-Act.pdf)

## ETHICAL CONDUCT AND SAFE DISCLOSURE POLICY<sup>6</sup>

### [FUNDAMENTAL AND PROCEDURAL RIGHTS]

All members of the university community who believe that they have been unjustly treated have the right to make a safe disclosure, which means that the individual's identity is protected. Those individuals may not be subject to punitive actions for making a good faith disclosure. Respondents in these cases have the right to know enough information about their case to appropriately respond to it, therefore individuals who make a safe disclosure may have to choose to reveal their identity if their case is taken through formal disciplinary routes<sup>7</sup>.

If an employee of the University (including administrative and academic staff) makes a disclosure or a complaint and they believe that complaint was not handled appropriately, they may take that complaint to the Office of the Public Interest Commissioner to investigate the management of the university's conduct<sup>8</sup>. Students are not able to go to the Commissioner if they feel that their cases were poorly managed.



## **DISCRIMINATION, HARASSMENT, AND DUTY TO ACCOMMODATE POLICY<sup>9</sup>**

### **[FUNDAMENTAL RIGHTS]**

This policy affirms the university’s duty to accommodate members of the university community who are disadvantaged by employment, educational standards, or practices (also called undue hardship) related to protected grounds. The policy states that the university will provide reasonable accommodation to individuals who fall under protected grounds.

Students with disabilities have the right to apply to Student Accessibility Services to receive accommodation for their disability. If the student is not granted their requested accommodation, they have the right to appeal the decision to a panel comprised of representatives from the student’s faculty and from the Office of the Dean of Students.

In the case of complaints related to discrimination and harassment, complainants have the right to a timely process, and the right to request either an informal or formal resolution process<sup>10</sup>.

Students have the right to reasonable accommodation in regards to late term work or missed final exams on the grounds of religion or mental/physical health. To receive accommodation, they must apply to their instructor for missed term work, or to their Faculty for final exam deferrals.

## **SEXUAL VIOLENCE POLICY<sup>11</sup>**

### **[FUNDAMENTAL RIGHTS]**

The University has the power to impose interim, non-disciplinary measures onto a respondent of a case under the Sexual Violence Policy to accommodate the complainant during the disciplinary process and before a verdict has been reached. These measures exist to ensure the safety of the complainant, preventing retaliation against them, or to minimize disruption to the complainant’s learning environment. Interim measures can vary and are meant to be proportionate to the alleged crime. Examples include changes in class schedule or university residence, increased monitoring or supervision of the respondent, or imposing limitations to where the respondent can go on campus<sup>12</sup>.

The processes used in a case under this policy depends on who the respondent is. If the accused is a student, the procedures used are those under the Code of Student Behaviour; if the accused lives in University Residence and committed the alleged act in residence, they use the Breach of Residence Agreement processes; if the accused is a student in a practicum placement, the Practicum Intervention Policy; and if it’s a graduate student in a mentorship role (such as teaching assistant or research assistant), the Graduate Student Assistantship Collective Agreement. If the accused is an employee, they use the processes outlined in the NASA or AASUA collective agreements, and if the accused is a postdoctoral fellow, the Postdoctoral Fellows Discipline Procedure<sup>13</sup>.

The Sexual Violence Policy assures that complaints and disclosures of sexual violence shall be confidential, and that complainants shall not be retaliated against for making their complaint.

9 [policiesonline.ualberta.ca/PoliciesProcedures/Policies/Discrimination-Harassment-and-Duty-to-Accommodate-Policy.pdf](https://policiesonline.ualberta.ca/PoliciesProcedures/Policies/Discrimination-Harassment-and-Duty-to-Accommodate-Policy.pdf)

10 [policiesonline.ualberta.ca/PoliciesProcedures/Procedures/Discrimination-and%20Harassment%20-%20Allegations-Against-Staff-Procedure.pdf](https://policiesonline.ualberta.ca/PoliciesProcedures/Procedures/Discrimination-and%20Harassment%20-%20Allegations-Against-Staff-Procedure.pdf)

11 [policiesonline.ualberta.ca/PoliciesProcedures/Policies/Sexual-Violence-Policy.pdf](https://policiesonline.ualberta.ca/PoliciesProcedures/Policies/Sexual-Violence-Policy.pdf)

12 [policiesonline.ualberta.ca/PoliciesProcedures/InfoDocs/@academic/documents/infodoc/Sexual%20Violence%20Interim%20Measures%20Information%20Document.pdf](https://policiesonline.ualberta.ca/PoliciesProcedures/InfoDocs/@academic/documents/infodoc/Sexual%20Violence%20Interim%20Measures%20Information%20Document.pdf)

13 [policiesonline.ualberta.ca/PoliciesProcedures/Procedures/Sexual-Violence-Disclosures-and-Complaints-Procedure.pdf](https://policiesonline.ualberta.ca/PoliciesProcedures/Procedures/Sexual-Violence-Disclosures-and-Complaints-Procedure.pdf)



## **RELEVANT LEGISLATION**

### **[FUNDAMENTAL AND PRIVACY RIGHTS]**

All Universities, including the U of A, are bound by the Charter of Rights and freedoms, which guarantees everyone the right to freedom of religion, freedom of thought and speech, freedom of peaceful assembly, and freedom of association. Students are also guaranteed equality without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability. Sexual orientation and gender identity are assumed to also be covered by the Charter based on precedence.

The Freedom of Information Protection and Privacy Act appears frequently in university policies, which affirms that the U of A retains and protects students' records in accordance with the Act. Several policies note that students may access their student records, as laid out in the Act.

## II. DIMENSIONS OF STUDENT RIGHTS ACROSS CANADA



Student rights at McGill<sup>14</sup>, McMaster's<sup>15</sup>, and Trent's<sup>16</sup> and Bishop's<sup>17</sup> Charters of Student Rights and Responsibilities tend to fall under the following categories: fundamental rights, academic rights, procedural rights, and participation rights.

For this section, McGill University's Charter of Student Rights<sup>18</sup>, McMaster's Code of Student Rights and Responsibilities<sup>19</sup>, and Trent's<sup>20</sup> and Bishop's<sup>21</sup> Charters of Student Rights and Responsibilities were examined.

### ACADEMIC RIGHTS AND RESPONSIBILITIES

Most students' rights documents affirm that students are entitled to quality education, however the phrase "quality education" is not defined. The McGill University Charter goes the most in-depth out of all universities in regards to the specific academic rights their students have. Their rights include the following:

- To course information prior to the course starting, including course descriptions and evaluation criteria;
- To a written course outline within the first week of classes starting;
- To fair evaluation of performance;
- To be informed about academic standing in a course at any time;
- To an explanation of assignment grades;
- To an impartial review of grades if requested by the student;
- To submit assignments in English or in French;
- To equal access to sources of funding for which they are eligible;
- To information concerning financial assistance from public funding bodies.

Bishop's charter includes similar language, and also guarantees their students ownership of their intellectual property. Bishop's and Trent's charters also outline academic responsibilities students have, including maintaining good academic standing, being aware of the university's policies on academic integrity and plagiarism, checking their university emails, and not infringing on others' learning environments.

### PROCEDURAL RIGHTS AND RESPONSIBILITIES

Most charters outline students' rights when they are charged with an offence under university regulations. McGill and McMaster have the most thorough sections on procedural rights and responsibilities; those rights include the following:

- To a fair hearing by an impartial tribunal;
- To accompaniment by a support person or advisor at any stage of the procedure;
- To not self-incriminate;
- To be presumed innocent until proven guilty;

- 14 [mcgill.ca/secretariat/files/secretariat/charter-of-students-rights\\_0.pdf](http://mcgill.ca/secretariat/files/secretariat/charter-of-students-rights_0.pdf)
- 15 [mcmaster.ca/policy/Students-AcademicStudies/Code\\_of\\_Student\\_Rights\\_and\\_Responsibilities.pdf](http://mcmaster.ca/policy/Students-AcademicStudies/Code_of_Student_Rights_and_Responsibilities.pdf)
- 16 [trentu.ca/studentaffairs/scrr/documents/ApprovedCharter-February3\\_2012.pdf](http://trentu.ca/studentaffairs/scrr/documents/ApprovedCharter-February3_2012.pdf)
- 17 [ubishops.ca/administration-governance/university-policies/charter-of-student-rights-and-responsibilities](http://ubishops.ca/administration-governance/university-policies/charter-of-student-rights-and-responsibilities)
- 18 [mcgill.ca/secretariat/files/secretariat/charter-of-students-rights\\_0.pdf](http://mcgill.ca/secretariat/files/secretariat/charter-of-students-rights_0.pdf)
- 19 [mcmaster.ca/policy/Students-AcademicStudies/Code\\_of\\_Student\\_Rights\\_and\\_Responsibilities.pdf](http://mcmaster.ca/policy/Students-AcademicStudies/Code_of_Student_Rights_and_Responsibilities.pdf)
- 20 [trentu.ca/studentaffairs/scrr/documents/ApprovedCharter-February3\\_2012.pdf](http://trentu.ca/studentaffairs/scrr/documents/ApprovedCharter-February3_2012.pdf)
- 21 [ubishops.ca/administration-governance/university-policies/charter-of-student-rights-and-responsibilities](http://ubishops.ca/administration-governance/university-policies/charter-of-student-rights-and-responsibilities)





- To confidentiality related to their proceedings, deliberations, and decisions;
- To a timely process;
- To present and examine witnesses (McGill);
- To raise a defence that the charge is a violation of the Charter of Students' Rights (McGill);
- To protection from reprisal or retribution from other parties involved;
- The University bears the burden of proof (McMaster);
- When charged by the university, the student has the right to be informed of the nature of the allegation, the evidence against them, the time and location of their hearing, and the parties that will be present at that meeting (McMaster);
- The university may not change regulations retroactively to the detriment of the student (McGill).

Students' responsibilities are presented by all universities in less detail. Students who are charged with an offence must reply to official correspondence in a timely fashion, attend meeting and hearings that they are required to, to be truthful in their testimony, and familiarize themselves with university regulations. When a student is lodging a complaint against the University or against a member of the university community, they must submit their complaint within a certain time frame (anywhere from 6 months to 3 years, depending on the school) and to be familiar of relevant policies and be truthful in their testimony.

## **PARTICIPATION/REPRESENTATION RIGHTS AND RESPONSIBILITIES**

Most schools specify that students have the right to assembly and association. Related rights include the right to associate, the right to free expression and debate, and the right to peaceful assembly and demonstration. These rights are often limited when the association's activities infringe on other students' rights or academics.

McGill and Bishop's also include students' rights to representation on boards, committees, and university bodies that make decisions related to student affairs. Both universities mandate that students must have membership on all bodies that make such decisions. McGill goes further and mandates that the university shall consult student associations on issues that concern those associations, and take their recommendations seriously. The Charter states, "Recommendations for student membership shall be sought by the University from the appropriate student association where it exists. Refusal to accept a recommendation must not be based on arbitrary or unreasonable grounds". There appears to be no requirement for the University to provide written justification for refusals to accept students' recommendations.



## **FUNDAMENTAL RIGHTS AND RESPONSIBILITIES**

All other University Charters begin with an affirmation that students are entitled to all rights that are afforded to them by the Charter of Rights and Freedoms and by other provincial and federal laws. The “fundamental rights” sections of Canadian charters of students’ rights include freedom of expression and free thought; freedom from discrimination and harassment; the right to safety while on campus; and the right to privacy of their personal information. Likewise, students are responsible for acting within federal and provincial legislation, and for respecting and following university policies. Students are not permitted to infringe on the rights of their fellow students or disrupt other students’ education in any way.

It should be noted that most student rights documents are written in such a way that allows some leeway for the university to not fully uphold students’ rights. This is often done to protect the university in case a situation arises in which the rights afforded by the charter would be inappropriate for that specific circumstance. This is consistent with most university regulations, as they are very high-level while trying to account for any situation that might arise.

### III. CONCLUDING COMMENTS



Below are the aspects of student rights the U of A is missing compared to McGill, McMaster, Bishop's and Trent:

- Although the U of A provides a thorough course outline in the first week of classes, it is not required to publish evaluation criteria prior to courses starting;
- Undergraduate students are not guaranteed ownership of their intellectual property, while graduate students are;
- Students are not formally entitled to be informed of their academic standing in a course (this is currently at the discretion of instructors);
- Students are not entitled to information on funding, although that information is provided on the U of A's website in some capacity;
- Students are not entitled to representation on university bodies that make decisions on student affairs beyond the Board of Governors. It is also not mandatory for the university to consult students on student-related decisions: the university does have a consultation guideline it has encouraged its bodies to use, however its use is not mandatory.