

Educating Students on Rights and Responsibilities

Prepared for President Akanksha Bhatnagar, July 26, 2019

Overview

At the University of Alberta, policies give students specific rights and responsibilities. Examples include procedural fairness and natural justice in the context of academic and non-academic appeals. Some of these rights, while referenced in policy, may not be defined or explained in accessible ways. Students must search out answers reactively, policy by policy, with implications for their security and/or academic standing.

To solve this problem, several Canadian peer institutions have implemented a charter of rights and responsibilities as a consolidated, 'one-stop' resource. We call on university administration to develop a document that will more clearly, proactively inform students of their rights and responsibilities. This could take the form of a plain-language, explanatory reference document that guides students to and through all appropriate policies.

Observing the Problem

The Students' Union has found that students of all demographics and years of study tend to be unfamiliar with the substance of central UAlberta policy documents, such as the Code of Student Behaviour and the Grading Policy and Procedure. Many students do not know how to access information on how to make an appeal when they are accused of breaking a UAlberta policy. It is necessary for students to understand what constitutes an offense, how to seek support or further information, and how to appeal if an allegation arises. Students also require the guarantee of a safe campus, so they also need to understand their rights when other members of the campus community put their safety at risk.

Other post-secondary institutions in Canada, particularly McGill, McMaster, Bishop's, and Trent, have built a charter of rights and responsibilities (or equivalent documents under another name). A charter serves as a consolidated document of all of a student's rights and responsibilities at a university. Many of these post-secondary institutions have launched strong campaigns to ensure each student is made aware of the charter's existence, and to motivate them to take ownership in reading the material. This process puts student rights and responsibilities front-of-mind for both students and other members of the university community, creating a culture of improved clarity and accountability.

Rights at the University of Alberta

Students' rights and responsibilities are spread across several university policies, and generally fall under one or more categories of *academic, procedural and fundamental rights*.

- Academic rights relate to student assessment, grading, plagiarism, grade appeals, and academic accommodations.¹
- Procedural rights involve student discipline, which can be either academic or non-academic, as well as rights and responsibilities related to complaints and appeals processes.²
- Fundamental rights include all rights afforded by federal and/or provincial legislation, including protections from discrimination and harassment.³

In an exploratory study completed in November 2017, the Students' Union collected 1721 responses to understand students' perception, experience, and awareness of their rights and responsibilities. Notable conclusions from the survey are as follows. Representative student quotes have been included.

Awareness of rights and responsibilities

58% of respondents indicated they "did not know much" or "did not know anything at all" about their rights and responsibilities, and very few respondents were confident they knew a lot.

Of the five main policies outlining student rights and responsibilities, students were most aware of the Code of Student Behaviour (78%) and the Grading Policy and Procedure (60%).

Students reported reduced awareness of the Sexual Violence Policy (43%), the Ethical Conduct and Safe Disclosure Policy (38%), and the Discrimination, Harassment, and Duty to Accommodate Policy (34%).

10% of students were unaware of any of these documents.

"I felt especially powerless because I was going up against the Dean of my faculty who had complete control over what was going to happen to me. I felt weak and vulnerable. I would have liked to know about other options and all of the potential outcomes."

¹ Academic rights afforded to students at the University of Alberta can be found in, among other resources, the University of Alberta Calendar and the Assessment and Grading Policy and Procedure. (This includes the Assessment and Grading Policy, Grading Procedure and Access to Evaluate Course Material Procedure.)

² Procedural rights afforded to students at the University of Alberta can be found in, among other resources, the Code of Student Behaviour, the Ethical Conduct and Safe Disclosure Policy, and the Discrimination, Harassment, and Duty to Accommodate Policy.

³ Fundamental rights afforded to students can be found in, among other resources, the Sexual Violence Policy and government legislation, such as the Charter of Rights and Freedoms.

Awareness of who to approach for necessary information

When asked who they would approach to get information on their rights and responsibilities, students did not steer towards one common information source. 32% chose the Students' Union, 22.0% chose university administration, and 20% chose an individual officer, academic staff member, or specialized office.

"I would like my RA to be more informed. It was his fault."

"I was kinda dragged through the dark."

Accessibility of information

While slightly less than half of respondents knew where to find information on their academic rights and responsibilities, 40% of respondents had no knowledge of where to look.

"I wish I had known I was doing something wrong beforehand."

"As a trans person, it has been extremely difficult to change names on documents and in the various systems at the university. Having my legal name appear on transcripts and fee documents, among other things, is dangerous and can affect what I decide to do as far as employment or seeking scholarships, as this outs me immediately. There is also lots of conflicting information regarding what one can and cannot do as far as name change in various locations."

Awareness

About 60% of students were unaware of the disciplinary appeal process and how to find necessary information. First-year students were significantly more likely to indicate a lack of knowledge of information sources on academic rights and responsibilities. By contrast, fourth-year students were more likely to claim no knowledge of procedural rights and responsibilities. In a separate study (the SU annual survey, December 2018, 5042 points of contact), students indicated generally low confidence in being able to access the Office of the Student Ombuds. Disparities were also noted:

- Students with disabilities and non-binary students were far more likely than other students to have low confidence in being able to access the Ombuds.
- Men, especially straight men, were more likely than women to feel confident about accessing the Ombuds.
- The LGBTQ2S+ student body and Indigenous students felt low confidence about accessing the Ombuds.

"There was a group that came to talk with us at the beginning of the year...but I don't remember the name. Ompra? Umbra?"

Student Involvement in the Disciplinary Process

Slightly less than half of students involved in disciplinary proceedings at the university feel that the process educated them about their rights and responsibilities, and felt they didn't have access to the information they needed. Before starting the disciplinary proceedings, a sizable number of students lacked knowledge of their rights and responsibilities. Only a fifth of respondents felt like they had *some* knowledge. Over a third of students found it difficult to find the necessary information to file a complaint.

[Question: What additional information or resources would have helped you go through your disciplinary process?] "If all of the information could be found in one place."

Students deserve greater confidence in knowing their rights and responsibilities, and students also deserve to have confidence in knowing who to approach for information, and where to find the information. While students are aware of the existence of certain policies (i.e. the Code of Student Behaviour), more must be done to ensure students are familiar with the content found in each policy. Most students are unfamiliar with the content of, among other documents, the Sexual Violence Policy, the Ethical Conduct and Safe Disclosure Policy, and the Discrimination, Harassment, and Duty to Accommodate Policy. Most students involved in disciplinary proceedings do not have adequate knowledge on their rights and responsibilities before, during, and after the process.

"[The faculty] had all the power, instead of the student who did not get a chance to explain anything."

Academic Rights and Responsibilities

The Students' Union has undertaken research on the current state of students' rights at the University of Alberta, and how it compares to McGill, McMaster, Bishop's and Trent (post-secondary institutions with a charter). Below are several documents that establish academic and procedural rights at UAlberta, and an example of why each policy is important to a student.

University of Alberta Calendar

- Example: 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.
- Consequences: A student unaware of the policy does not apply for reexamination, and fails the course.

"At times I have wanted to appeal grades but had difficulty. The pathway of escalation is confusing, especially in courses with TAs, instructors, coordinators, etc. It would be nice if instructors provided the pathway of escalation as well as instructions for each stage to make it easier for students. I don't have time during the semester to figure that all out."

Assessment and Grading Policy and Procedures

- Example: 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.
- Consequences: A student struggling to prepare adequately for a final examination has access to material reflective of the final examination and achieves a higher mark.

"Although profs advertise the accessibility services and exam accommodations, they sometimes act as if this is unnecessary, and that the main reason people use these services is because they "don't know how to study."

Procedural Rights and Responsibilities

The Code of Student Behaviour

- Example: To consult an advisor and to be accompanied by that advisor; to understand the reasoning for any decision made against them; to understand the difference between reasonable doubt and balance of probabilities.
- Consequences: A student understands they have supports available during disciplinary proceeding, and can use all their available supports to make a strong case.

"It was a terrible and frightening experience no student should have to go through. The professor I consulted was outraged by my treatment."

"I was very scared and unsure of what was going to happen as this incident was in my first year. I have told nobody about my discipline and it still haunts me to this day. It would be nice to see more support for students after who make an honest mistake and are punished academically for it. I felt very lost and on edge for a long period of time after the incident."

Ethical Conduct and Safe Disclosure Policy

- Example: 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.
- Consequences: A student may not know they are allowed to have their identity protected if they are to make a complaint, and may decide to not make the complaint.

"For what my complaint was about, it should have been a simple process. I had a group of 20 willing to complain with me, but the process was so intimidating and daunting everyone dropped it."

Fundamental Rights and Responsibilities

Discrimination, Harassment, and Duty to Accommodate Policy

- Example: Students with disabilities have the right to apply to Student Accessibility Services to receive accommodations 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.
- Consequences: A student with a disability does not appeal the decision, even though they may be entitled to the accommodation.

"My accessibility advisor and I haven't had a lot of luck getting notes ahead of time to get the slides beforehand...I get 'I'm editing the slides.'"

"I actually have reserved seating but have found that I can't use this accessibility service because of the classroom environment."

Sexual Violence Policy

- Example: The university has the power to impose interim, non-disciplinary measures onto a respondent 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.
- Consequences: A survivor is unaware that if they report the crime immediately, the university may apply interim measures to ensure the offender takes a different class schedule, changes their university residence, and/or receives increased monitoring and supervision, so the survivor and offender don't interact in the same space.

Unfamiliarity with even one or two of these documents, as well as many others, could have a serious impact in specific cases. Students need a centralized resource that clearly directs them to all of their rights and responsibilities.

"The university's approach was heavy-handed. I wasn't given info about my rights until after my original hearing and I was denied a defense."

Universities that have adopted a charter have seen students become proactive in learning their rights and responsibilities ahead of time. For instance, the Students' Society of McGill University (SSMU) has a *Know Your Rights Campaign* twice a year, meant to teach students about their rights on campus under the charter. SSMU also creates working groups that incorporate community feedback on policy review, and directs students on how to recommend policies directly to their faculty or department. At Bishop's, the 'Committee on Life' is charged with the responsibility of defending this charter, and students may propose amendments to the charter at any time through this committee.

How Can We Help?

Rights and responsibilities are intrinsic to the safety, quality, and fairness of the university experience. Students deserve access to an educational environment that follows the highest standards and gives them clear, accessible resources that help them avoid dangerous or compromising situations. Knowing one's rights helps accomplish these goals. A charter of rights and responsibilities would align with priorities found in "For the Public Good": to empower and enable each student to build, experience, excel, engage and sustain throughout their education. The Students' Union is willing to play an active or consultative role in drafting a charter of student rights and responsibilities, or any document which will serve a similar purpose. Such a document should be as authoritative as possible without extensive policy rewrites. These issues touch on the fiduciary duties of the UASU Executive Council, primarily the President, VP Student Life, and VP Academic.

Due to the survey results outlined above, we recommend that the university take a collaborative, proactive approach to educating students about their rights and responsibilities. UASU will continue helping students to take advantage of all the resources that will improve their security, peace of mind, and academic success.