



THE UNIVERSITY OF WINNIPEG  
POLICY

NUMBER S-1 (Ac)

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INITIALS RK

TITLE: STUDENT NON-ACADEMIC CONDUCT AND DISCIPLINE

EFFECTIVE DATE: October 25, 1994

AUTHORITY: Board of Regents

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Purpose

In order to accomplish its stated mission, the University must be a community in which there is freedom to learn, to teach, to create and to engage in research without fear of retaliation or intimidation and without threat to person or property. Students have a responsibility to act in a fair and reasonable manner in their interactions with their peers, faculty, staff and administration and in their use of campus property. The intent of this policy is to encourage appropriate student conduct and to identify and regulate student non-academic misconduct which infringes on the above mentioned freedoms and thereby jeopardizes the essential values of our academic community: mutual respect, dignity and civility.

Scope

This policy and the procedures outlined herein apply to individual students and/or student groups at The University of Winnipeg.

Responsibility

The Associate Vice-President (Student Services) is responsible for the interpretation, and from time to time, the review of this policy based upon changing circumstances and experience. The Associate Vice-President may consult with the Student Discipline Appeals Committee or the Senior Administration Advisory Committee. The responsibility for all matters related to this policy rests with the Associate Vice-President (Student Services) through the Vice-President (Academic) to the University Affairs Committee of the Board of Regents.

I. INTRODUCTION

In general, within the University's precincts students should conduct themselves, individually and collectively, in ways that are consistent with the University's commitment to academic excellence, intellectual freedom, cultural diversity, individual achievement and personal dignity. The University is, above all, a community of scholars engaged in teaching, research and learning. Whatever promotes an environment appropriate to these pursuits is desirable. Any conduct that detracts from the



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maintenance of such an environment is undesirable. This includes not only threatening, abusive, disruptive or violent behaviour that directly and immediately affects the health, safety, security or freedom of others, but also patterns of behaviour which, over time, cumulatively cause others to apprehend a perceived threat to their academic or social environment, or to their personal well-being.

This policy is rooted in the concept of collegiality. It not only requires students to conduct themselves in a manner befitting an academy of scholars, but as well to take individual and collective responsibility for sustaining an acceptable academic milieu by responding appropriately to non-academic misconduct on the part of others.

1.       General Principles

- (a)     The rules of natural justice shall apply to all proceedings under this policy.
- (b)     All members of the University are subject to the laws of the land. Students are both members of the University and residents of the country, province and municipality and are responsible to all of these jurisdictions.
- (c)     Disciplinary authority in the University is vested in the Board of Regents.
- (d)     Only the President, as Chief Executive Officer of the University, or his or her duly appointed delegate, has the right to suspend temporarily or expel a student based on non-academic misconduct.

II.      NON-ACADEMIC MISCONDUCT

This policy deals specifically with student non-academic misconduct and shall apply both to individuals and to student groups. Matters relating to Academic Misconduct, Sexual Harassment and Human Relations violations fall within the purview of existing University policy. Non-academic disciplinary offenses actionable by the University include but are not limited to the following:

- 1.      Disorderly conduct: threats and/or physical abuse which threaten or endanger the health, safety, of self or of a member of the University community; breach of the peace; physically assaulting another; fighting; disrupting teaching, studying, administration, meetings, University events and public service activities; vandalism. Disorderly conduct is any action by a student(s) which seriously disrupts the lawful educational and related activities of the University community.



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2. Violation of Federal or Provincial Laws of Special Relevance to the University: when the violation of a federal, provincial or municipal law, including but not limited to those governing alcoholic beverages, drugs, gambling, sex offenses, indecent conduct or arson occurs on campus, the offence will also constitute an offence against the University community.
3. Theft and Property Damage: unauthorized possession of or destruction or damage to University property or property of a University community member.
4. Identification and Falsification: refusing to identify, or falsely identifying one's self, or wilfully providing University offices or officials with false, misleading or incomplete information.
5. Misuse of University Supplies, Documents, Facilities and Services: without authority, knowingly make, alter, use, receive or possess University supplies or documents which include but are not limited to equipment, keys, records, and permits; unauthorized use of any facility, equipment, material or service.
6. Patterns of Inappropriate Behaviour: which, cumulatively, promote in others the apprehension of a threat to their health, freedom or safety.

III. PENALTIES

The following are a range of possible penalties which can be imposed by a disciplinary authority:

1. Expulsion - subject to confirmation of the President or designate
2. Suspension - subject to confirmation of the President or designate
3. Exclusion from specific areas of the University
4. The levy of a fine (limit of \$500) failing payment of which the above discipline could result.
5. Restitution .
6. Conduct probation
7. Written reprimand
8. Community service as an alternative to any or all of the above
9. Attaching conditions to any of the above prescribing future conduct



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**IV.    PROCEDURES ON STUDENT NON-ACADEMIC CONDUCT AND DISCIPLINE**

It is the practice of The University of Winnipeg to encourage the resolution of complaints at the informal level or through regular administrative processes. However if this is not possible the formal process should be followed as outlined below.

**1.    Initiation and Conduct of Proceedings:**

- (a)    Any person who has reason to believe that a student is guilty of a non-academic offence may initiate proceedings against the student.
- (b)    Where a person has reason to believe that a student has committed a non-academic offence that person may, by a signed statement, register a complaint with the Associate Vice-President (Student Services) or designate.
- (c)    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.
- (d)    The Associate Vice-President (Student Services) may decline to proceed with a complaint under the following circumstances:
  - (i)    Where the complaint is primarily concerned with regulations of another official University organization, e.g. U.W.S.A., U.W.F.A., AESES, and the Associate Vice-President (Student Services) believes that the complaint should be dealt with in accordance with procedures established by that organization.
  - (ii)    Where the Associate Vice-President (Student Services) believes that no *prima facie* case has been made that a University regulation has been broken.
  - (iii)    Where the Associate Vice-President (Student Services) believes the complaint to be inappropriate.
  - (iv)    Where an unreasonable time has elapsed since the incident.
  - (v)    Where the offence should be referred to the police or appropriate public authorities.



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- (vi) Where the Associate Vice-President (Student Services) has declined to proceed with a complaint, the Complainant will be so notified and the reasons given in writing. The person complaining may then appeal the decision to the appropriate Vice-President.
- (e) Should there be a possible conflict of interest involving the Associate Vice-President (Student Services) (eg. the Complainant is the Associate Vice-President (Student Services)) or the impartiality of the Associate Vice-President (Student Services) has been compromised) the Vice-President (Academic) or delegate will act for the Associate Vice-President (Student Services) in accordance with these procedures.
- (f) Having decided to proceed with the complaint, the Associate Vice-President (Student Services) shall cause an investigation to take place by an impartial third party whom he/she shall select.
- (g) The third party will submit a written report to the Associate Vice-President (Student Services) within ten (10) days.
- (h) The Associate Vice-President (Student Services) shall meet with the alleged offender, review the matter and determine if the facts as disclosed by the complainant are in dispute. In the event that the alleged offender refuses to meet with the Associate Vice-President (Student Services), a decision and, where applicable, a penalty shall be arrived at by the Associate Vice-President taking into account whatever evidence is available.
  - (i) Where the facts are determined not to be in dispute, the Associate Vice-President (Student Services) may impose one or more of the range of penalties listed in Section III.
  - (ii) Where the facts are in dispute, the Associate Vice-President (Student Services) will review the matter further by talking with all parties involved, and may either dismiss the charges or impose one or more of the penalties listed in Section III. In the event that the alleged offender refuses to meet with the Associate Vice-President to discuss the matter further, a decision and penalty shall be arrived at taking into account whatever evidence is available.
  - (iii) When considering what would be an appropriate penalty, the Associate Vice-President (Student Services) may take into account the disciplinary record, if any, of the student against whom the complaint is made. The student will be informed that the disciplinary record is being examined and will confirm the previous discipline.



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- (i) Having reached a decision, the Associate Vice-President (Student Services) shall prepare a written report. The report shall state what penalty, if any, is to be imposed upon the student, and the major circumstances taken into account in arriving at the decision.
  - (j) The Associate Vice-President (Student Services) will send a copy to the student and to the Complainant. If a penalty has been imposed, the Associate Vice-President shall advise the student of the right to appeal and shall forward a copy of the Student Discipline Appeals Committee Procedures (see below).
2. Initiation and Conduct of Appeals:
- (a) A student, or student group affected by the decision, may appeal the decision of the Associate Vice-President (Student Services) by submitting a notice of appeal in writing to the Chair of the Student Discipline Appeals Committee. Such notice must be received by the Chair of the Student Discipline Appeals Committee no later than fifteen (15) calendar days after notification of the written decision of the Associate Vice-President (Student Services). At the discretion of the Chair of the Student Discipline Appeals Committee, an appeal may be accepted after the expiry of the fifteen days.  
  
The appeal shall be based upon denial of the offence, and/or shall relate to the severity of the penalty.
  - (b) The notice of appeal must be in writing, signed by the appellant, and must state the ground of appeal. The appellant has the right to be accompanied by a resource person or advocate.
  - (c) The Chair of the Student Discipline Appeals Committee shall notify both parties of the date, time and place of the appeal hearing, which shall be at least fourteen (14) calendar days but no more than forty-five (45) calendar days following the receipt of notice of appeal. Each party shall receive a copy of submission made to the Student Discipline Appeals Committee by the other party. Each party will receive the names of the Committee members and notification that either party may challenge membership to the Chair of the Student Discipline Appeals Committee.
  - (d) The Chair of the Student Discipline Appeals Committee shall provide the members of the Student Discipline Appeals Committee with:
    - (i) the date, time and place of the Appeal Hearing,



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- (ii) the notice of appeal and any submission from the respondent, and
  - (iii) the written report of the Associate Vice-President (Student Services).
- (e) Notices may be hand-delivered or sent by mail. When sent by outside mail, they shall be sent by registered mail to the address which has been provided to the University or to the Chair of the Student Discipline Appeals Committee. Notice may be deemed to have been effected one week following mailing to the last known address.
- (f) Upon receiving notice of appeal, the Chair of the Student Discipline Appeals Committee, in cases of expulsion or suspension, shall direct the Associate Vice-President (Student Services) to withhold degrees, certification or marks and/or transcripts of records pending the outcome of the appeal. Any other penalties imposed by the Associate Vice-President (Student Services) shall be suspended upon receipt of notice of appeal.
3. Establishment of the Student Discipline Appeals Committee:
- (a) General

Meetings of the Student Discipline Appeals Committee shall be scheduled as required to hear and determine appeals of disciplinary decisions of the Associate Vice-President (Student Services). The Student Discipline Appeals Committee, as designate of the Board of Regents, shall have authority to confirm, vary or quash penalties imposed under Section III.
  - (b) Composition, Terms of Reference and Chair
    - (i) The Student Discipline Appeals Committee shall be composed of ten (10) persons appointed by the Board of Regents and shall include:
      - five (5) employees at least two of whom shall be academic staff
      - five (5) students recommended by the U.W.S.A. plus,
      - the University President or designate and the President of the U.W.S.A or designate as ex-officio members.
    - (ii) The term of office shall be up to three years for employee members as determined by the Board of Regents and two years for student members as determined by the U.W.S.A., from October 1 to September 30. Employee and student members are eligible to serve a second term.



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- (iii) The appellant shall have the right to challenge for cause any member of the Student Discipline Appeals Committee, the validity of the challenge to be determined by the remainder of the Committee.
- (iv) A quorum shall be half the members with at least two students and two employee members.
- (v) As early as possible at the beginning of each academic year a meeting should be convened for the purpose of electing a Chair.
- (vi) An annual report shall be submitted to the Board of Regents through the President.

4. Student Discipline Appeals Committee Procedures For Non-Academic Offenses:

- (a) The appeal shall consist of a de novo hearing of the case.
- (b) The Student Discipline Appeals Committee may accept any evidence that, in its sole discretion, it considers proper, whether admissible in a court of law or not.
- (c) The Student Discipline Appeals Committee shall conduct hearings in a manner which, in its sole discretion, it considers proper.
- (d) A defect in procedures shall not warrant the quashing of the decision unless the defect complained of can reasonably be said to have deprived either party of a fair hearing.
- (e) After hearing the arguments on both sides of the appeal the Committee shall decide, by majority vote, to either uphold or set aside the decision against which the appeal was launched. Where a decision against a student or student group is upheld, the Committee may confirm, vary or suspend the penalty imposed. The Student Discipline Appeals Committee may seek authorization to receive procedural advice from the University's solicitor.
- (f) The Chair of the Committee shall, where practical, immediately communicate the decision of the Committee to the student or student group.
- (g) Within seven (7) calendar days of the Committee's decision, the Chair shall submit the Committee's decision, in writing, to the parties involved and to the Associate Vice-President (Student Services).





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- (h) Any penalty confirmed shall be deemed to have taken effect on the date determined in the appeal. Any new penalty shall take effect immediately upon oral notification or, failing that, upon written notification.
- (i) The final appeal in student discipline matters shall lie with the Student Discipline Appeals Committee, whose decision on substantive matters will be final and binding. However, appeals based solely upon procedural questions may be heard by the University Affairs Committee of the Board of Regents, whose decision in such matters will be final.
- (j) The President may, with good cause as in cases where members of the University community, the teaching environment and/or University property is threatened, exclude the student(s) concerned from access to the campus prior to and following the hearing.

5. Enforcement and Investigation

- (a) The Director of Security Services and the security personnel under his/her direction are responsible for all matters of campus security. Where appropriate, or where circumstances dictate, complainants may/should communicate directly with the Director or another security officer.
- (b) For the disciplinary purposes associated with this policy, the Director of Security Services or other security personnel may be called upon to enforce penalties or invoke procedures that either require them to anticipate the intervention of civil authorities or, to take action to enforce civil or criminal law or the University's property rights.
- (c) When a complaint is received the Associate Vice-President (Student Services) will appoint a third party to gather facts pertinent to the complaint, except in cases of criminal behaviour which will be referred to the civil authorities.

