



**University of Windsor Policy on Sexual Misconduct**

(Board-approved: 22 March 2016)

Date effective: September 1, 2016

**1. PREAMBLE: COMMITMENTS AND STANDARDS**

- 1.1 The University of Windsor values dignity, respect and equality for all individuals and strives to foster an atmosphere of healthy attitudes and behaviours towards sexuality, sex and gender roles. The University is committed to maintaining a healthy and safe learning, living, social, recreational and working environment. All forms of sexual misconduct jeopardize the mental, physical and emotional welfare of our students and employees, as well as the safety of the campus community and the reputation of the University. Sexual misconduct violates our institutional values and will not be tolerated.
- 1.2 The Ontario *Human Rights Code* (“*Human Rights Code*”) prohibits discrimination in the provision of educational services and in employment on the basis of sex, sexual orientation, gender identity and gender expression. The *Human Rights Code* also prohibits harassment in employment on the basis of sex, sexual orientation, gender identity and gender expression. Sexual misconduct will generally constitute harassment and discrimination under the *Human Rights Code*. Ontario’s *Occupational Health and Safety Act* (“*OHSA*”) prohibits harassment and violence in the workplace, including sexual violence. The University’s *OHSA* obligations are included in its *Workplace Harassment Prevention Program* policy. The *Criminal Code of Canada* prohibits sexual assault, voyeurism and criminal harassment (including stalking and cyber harassment).
- 1.3 The University of Windsor is committed to the following:
- Believing and respecting all individuals who identify their experience as sexual misconduct (“survivors”) as being the best judges of their own interests. The University, recognizing that an individual may not identify with the label “survivor,” will respect each individual’s preferred term in its interactions with her or him.
  - Holding individuals who have committed an act of sexual misconduct accountable by taking disciplinary action up to and including expulsion or dismissal.
  - Establishing and following a formal procedure for responding to incidents of sexual misconduct.
  - Engaging in public education and prevention activities.
  - Ensuring referrals and services are available for survivors.
  - Ensuring procedural fairness and/or due process to all affected parties in cases of alleged sexual misconduct.

**2. SCOPE**

- 2.1 This policy applies to all members of the University community – including students, staff, faculty, administration and members of the Board of Governors – with regard to:
- (a) sexual misconduct that occurs on the premises of the University or its federated and affiliated institutions; and
  - (b) sexual misconduct that occurs off-campus, when the person’s actions or behaviour have, or might reasonably be seen to have, a negative impact on the University or on the rights of a member of the University community to use and enjoy the University’s learning and working environments.

2.2 This policy applies in conjunction with the University's other policies and legal obligations. The University will make reasonable efforts to ensure that every member of the University community is aware of what policies apply to her or him.

### 3. MYTHS AND MISCONCEPTIONS AROUND SEXUAL MISCONDUCT

3.1 Rape myths are misconceptions about sexual assault, and they apply to the broad scope of sexual misconduct. These myths downplay the seriousness of sexual misconduct and confuse our understanding of consent. They contribute to a social context in which survivors are reluctant to report, may blame themselves for what happened or worry that they will not be believed. Rape myths create a climate of victim blaming in which perpetrators are excused for their actions. For more on myths and misconceptions around sexual assault see "Developing a Response to Sexual Violence: A Resource Guide for Ontario's Colleges and Universities" at [http://www.women.gov.on.ca/owd/docs/campus\\_guide.pdf#page=11](http://www.women.gov.on.ca/owd/docs/campus_guide.pdf#page=11).

### 4. DEFINITIONS

*For links to the relevant legislation, see section 12. In this policy, the following definitions apply:*

4.1 **Sexual misconduct** is an umbrella term encompassing all forms of sexually inappropriate behaviour and sexual violence. These include, but are not limited to, sexual harassment, sexual assault, threat of sexual assault, criminal harassment (including stalking and cyber harassment), relationship violence and gender based misconduct. Examples of sexual misconduct, which may be verbal, non-verbal or physical, include but are not limited to:

- Unwelcome sexual advances
- Unwanted attention
- Implied or expressed rewards or benefits for sexual favours and implied or expressed threats if sexual favours are denied
- Requests for sexual favours
- Indecent acts or exposure
- Voyeurism
- Unwelcome remarks and/or vexatious comments about someone's sexuality, appearance and bodily presentation, gender or gender expression
- Attempts to extort sexual favours
- Inappropriate touching
- Repeated and vulgar sexual comments
- Display of pornographic or suggestive calendars, signs, posters and/or photographs
- Non-consensual posting of pictures, aggressive comments or stereotypes and slurs on social media, including, but not limited to: email, Facebook, Twitter
- Non-consensual communications of a sexual nature (face-to-face, phone, email, social media)
- Threatening or obscene gestures
- Surveillance and pursuit
- Sending unsolicited gifts (romantic, bizarre, sinister or sexualized)
- 'Creeping' via social media/cyber-stalking
- Uttering threats

4.2 **Accommodation** in teaching and evaluation procedures, or in housing or employment contexts, is designed to meet the demonstrated needs of a member of the campus community in relation to an incident of sexual misconduct. This includes the meaning of "accommodation" as it is understood under human rights law.

4.3 The **Sexual Misconduct Response and Prevention Officer** is an employee of the University whose role is to provide confidential support, referrals and assistance to individuals related to experiences of sexual misconduct (within the limits outlined by this policy). The Sexual Misconduct Response and Prevention Officer will assist individuals to make informed choices and to navigate relevant institutional and community processes, but will not undertake investigations of incidents of sexual misconduct.

- 4.4 **Age of consent for sexual activity** is the age that an individual can legally consent to sexual activity. In Canada, the legal age of consent for sexual acts is sixteen. Twelve and 13 year-olds can consent to have sex with other youth who are less than 2 years older than themselves. Fourteen and 15 years-olds can consent to sexual involvement with an individual who is less than 5 years older if there is no relationship of trust, authority or dependency or any other exploitation of the young person. Sixteen and 17 years-olds may legally consent to sexual acts if there is no relationship of trust, authority, dependency or other exploitation.
- 4.5 **Alleged perpetrator** is an individual who has been accused of committing sexual misconduct.
- 4.6 **Bystander** is a person who has witnessed sexual misconduct or has knowledge of the misconduct.
- 4.7 **Coercion** is the use of emotional manipulation, blackmail, threats to family or friends, or the promise of rewards or special treatment in order to persuade an individual to do something he or she does not wish to do, such as being sexual or performing particular sexual acts.
- 4.8 **Consent** is the voluntary agreement and willing participation in sexual activity, from individuals who have reached the age of consent to sexual activity and have the mental capacity to understand the nature, purpose and consequences of a decision to participate in sexual activity. An individual must actively and willingly give consent to sexual activity. Consent must be informed, freely given and continuous. Sexual activity without consent is sexual assault. The following are some factors relating to consent:

Consent:

- Is never assumed or implied
- Is not silence or the absence of “no”
- Cannot be given by an individual who is incapacitated by alcohol or drugs or is asleep or unconscious
- Can never be obtained through threats, coercion or other pressure tactics
- Can be revoked at any time, regardless of any other sexual activities that have taken place
- Is not valid if the perpetrator abuses a position of trust, power or authority
- Cannot be assumed from previous consent to similar activities

The consumption of alcohol or drugs does not provide any excuse from obtaining consent. (*Criminal Code of Canada, section 150.1, 153.1, 273.1: <http://laws-lois.justice.gc.ca/PDF/C-46.pdf>*)

- 4.9 **Force** is the use of physical violence and/or imposing on an individual physically to gain sexual access to that person. Force also includes threats of harm to oneself or others, intimidation and/or coercion to overcome resistance.
- 4.10 **Incapacity** is a state in which individuals cannot make rational decisions because they lack the ability to give consent (to understand the ‘who, what, when, where and why’ of their sexual interaction). Sexual activity with an individual who one knows to be, or based on circumstances should reasonably have been known to be, mentally or physically incapacitated (by drug or alcohol use, sleep, unconsciousness or a blackout) constitutes sexual assault. The initiator of sexual activity should always err on the side of assuming an individual to be incapacitated, rather than risk committing sexual assault. Evidence of incapacitation may include, but is not limited to:
- Slurred speech
  - Bloodshot eyes
  - The smell of alcohol on one’s breath
  - Shakiness
  - Vomiting
  - Unusual/strange behaviour
  - Being asleep or unconscious
- 4.11 **Indecent act** is a deliberate indecent act in a public place in the presence of one or more persons, or in any place with the intent to insult or offend any person. (*Criminal Code of Canada, section 173: <http://laws-lois.justice.gc.ca/PDF/C-46.pdf>*)

- 4.12 **Sexual assault; sexual assault with a weapon, threats to a third party or causing bodily harm; aggravated sexual assault** is sexual touching of another person with any object or body part that is without consent or by force. Any sexual activity without consent is sexual assault. (*Criminal Code of Canada, section 271, 272, 273: <http://laws-lois.justice.gc.ca/PDF/C-46.pdf>*)
- 4.13 **Sexual harassment** is a course of vexatious comment or conduct of a sexual nature that is known or ought reasonably to be known to be unwelcome in the context of a classroom or workplace setting. (*Human Rights Code, section 7: <http://www.ohrc.on.ca/en/ontario-human-rights-code>*)
- 4.14 **Stalking and cyber harassment** involve behaviours that occur on one or more occasions and which instil fear in an individual and/or threaten the individual's safety or mental health. Stalking can also include threats of harm to the individual's friends and/or family. (*Criminal Code of Canada, section 264: <http://laws-lois.justice.gc.ca/PDF/C-46.pdf>*)
- 4.15 **Survivor** is an individual who identifies her or his experience as sexual misconduct. The University, recognizing that an individual may not identify with the label "survivor," will respect each individual's preferred term in its interactions with her or him.
- 4.16 **Voyeurism** is secretly observing (including by mechanical or electronic means) or making a visual recording (including photographs, film or video recording) of a person who is in circumstances that give rise to a reasonable expectation of privacy. (*Criminal Code of Canada, section 162: <http://laws-lois.justice.gc.ca/PDF/C-46.pdf>*)

## 5. RIGHTS OF THE SURVIVOR

- 5.1 All survivors have a right to:
- Be treated with compassion, dignity and respect
  - Be informed about on- and off-campus services and resources
  - Be informed about [disclosing](#), [reporting](#) and [complaint](#) options and the limits to confidentiality associated with each option
  - Be provided with appropriate academic and other accommodation based on demonstrated need
  - Be provided with assistance in formulating a [safety plan](#) (a set of objectives and strategies identified by the survivor to help promote ongoing safety and prevent future incidents). For more on safety plans, see the Ontario Government's "Developing a Response to Sexual Violence: A Resource Guide for Ontario's Colleges and Universities," [Glossary of Terms](#).
  - Decide whether to disclose an incident of sexual misconduct, report the incident or file a complaint (which triggers an investigation) through the Sexual Misconduct Response and Prevention Officer, campus police, or local police
  - Decide whether to access available services and to choose those services they feel will be the most beneficial
  - Have reasonable and necessary actions taken to prevent further unwanted contact with the alleged perpetrator

## 6. CONFIDENTIALITY

- 6.1 Confidentiality is important to those who have disclosed or reported sexual misconduct, and should be safeguarded throughout the process to the extent possible. Where an individual's situation warrants accommodation, staff will protect the confidentiality of all those involved to the degree possible.
- 6.2 The following circumstances are examples of where confidentiality cannot be assured:
- There are reasonable grounds to believe that an individual is at imminent risk of self-harm.
  - There are reasonable grounds to believe that one or more persons in the University and wider community may be at risk of harm.
  - Reporting is required by law (e.g., in the case of a minor).
  - A written complaint has been filed, triggering formal procedures including investigation.

- An individual has disclosed to, reported to or filed a complaint with a member of the Campus Community Police. This may result in the filing of a report with the Windsor Police Service. When Campus Community Police become aware of an alleged incident of sexual misconduct, they determine whether the incident must be investigated. If so, under their agreement with the Windsor Police Service, the incident must be reported.
- Evidence of sexual misconduct is available in the public realm (e.g. video shared publicly on social media).
- The accommodation or support required limits the possibility of confidentiality.

6.3 The University's ability to protect a survivor's confidentiality is limited by its legal obligations. Where the University becomes aware of an allegation by a member of the University community against another member of the University community, the University has an obligation under the *Human Rights Code* and (if the victim is an employee) possibly under *OHSA*, to take steps to ensure that the matter is dealt with as required by those statutes. Similarly, regardless of whether a survivor is a student, employee or visitor, the University may be required to take steps to address possible civil law, criminal law or disciplinary aspects of the situation.

## **7. DISCLOSING, REPORTING, AND COMPLAINT OPTIONS**

### **7.1 Disclosing Option**

7.1.1 A survivor or bystander may choose to disclose sexual misconduct to any faculty or staff member. Disclosure, in these circumstances, is about seeking support and/or guidance.

7.1.2 This disclosure normally does not trigger an investigation or formal procedure, but may result in accommodation. However, disclosure of sexual misconduct to a member of University administration may trigger an investigation or formal procedure.

### **7.2 Reporting Option**

7.2.1 A survivor may choose to confidentially report misconduct to the Sexual Misconduct Response and Prevention Officer to ensure that a formal record is created, while choosing not to file a formal complaint that triggers an investigation or formal procedure. Bystanders may choose to report acts of sexual misconduct that they witness or where they perceive a specific pattern of sexual misconduct which they believe is creating a hostile or toxic environment where they work, study or live.

7.2.2 The record of the report will be used for aggregate data reporting and may be used by the survivor to lodge a formal complaint and initiate an investigation at a later date.

7.2.3 Where there are recurring confidential reports of sexual misconduct involving the same alleged perpetrator(s) or events, or where there is an imminent risk of harm to the survivor or others, the Sexual Misconduct Response and Prevention Officer will notify the President (or designate) immediately. The Sexual Misconduct Response and Prevention Officer will maintain the confidentiality of those reporting, unless circumstances exist where confidentiality cannot be assured (see section 6).

7.2.4 No information obtained by way of a confidential report that could identify the individual(s) reporting the misconduct will be shared with any person or body without the individual's express consent, unless circumstances exist where confidentiality cannot be assured (see section 6). The President (or designate) may also act on information communicated by the Sexual Misconduct Response and Prevention Officer in those circumstances (the possible actions are identified in subsection 9.2).

7.2.5 There may be greater limits to accommodation without a written complaint.

### **7.3 Complaint Option**

7.3.1 A survivor can use one or more complaint mechanism(s) at the institutional level to make a formal, written

complaint regarding the sexual misconduct. Complaints are addressed through various University bylaws and policies, depending on who is involved (these are listed in section 13). The filing of a written complaint triggers a formal procedure at the institutional level, involving documentation, investigation and formal and/or legal proceedings. A survivor who wishes to file a written complaint should contact the Sexual Misconduct Response and Prevention Officer to discuss the options available and for assistance with filing.

- 7.3.2 Survivors can also launch a complaint by contacting the Campus Community Police, but should be aware of the specific procedures that will then be triggered. The Campus Community Police will in all cases consult with the Sexual Misconduct Response and Prevention Officer promptly to ensure institutional awareness of the incident and to ensure that the survivor is provided with the opportunity to receive assistance and support if desired. Please note that disclosing, reporting or filing a written complaint with Campus Community Police may result in the logging of a report with the Windsor Police Service. When Campus Community Police become aware of an alleged incident of sexual misconduct, they determine whether the incident must be investigated. If so, under their agreement with the Windsor Police Service, it must be reported.
- 7.3.3 Beyond the institution's complaint mechanisms, a survivor may also wish to pursue a charge under the *Criminal Code of Canada* through the Windsor Police Service, or a grievance or complaint to the Human Rights Tribunal of Ontario or the Ontario Labour Relations Board. The Sexual Misconduct Response and Prevention Officer can provide further information regarding these options.
- 7.3.4 Bystanders may make a formal written complaint when they perceive a specific pattern of sexual misconduct which they believe is creating a hostile or toxic environment where they work, study or live.
- 7.3.5 Individuals who choose to forego the filing of a written complaint must understand that the absence of a finding of wrongdoing against the alleged perpetrator may limit the scope of possible accommodation.

#### 7.4 **Right to Withdraw a Complaint**

- 7.4.1 A survivor has the right to withdraw a complaint at any stage of the process. However, the University may continue to act on the issue identified in the complaint in order to comply with its obligation under this policy and/or its legal obligations.

### 8. **COMPLAINT PROCESS**

- 8.1 The University of Windsor shall be guided by the principles of fairness in dealing with all written complaints. As such, no sanction or disciplinary action will be taken against an alleged perpetrator without her or his knowledge. Alleged perpetrators will be given reasonable notice, with full details of the allegations. They will be provided with an opportunity to answer the allegations made against them, in accordance with the procedures described in the relevant policy. Procedures for addressing complaints are provided through various University bylaws and policies, depending on who is involved (these are listed in section 13). Where the alleged perpetrator is a student, the investigation will be carried out as per the Procedures for Addressing Student Non-Academic Misconduct, which is attached here as Appendix A.
- 8.2 In cases requiring investigation, the University will provide an investigator who is specially trained in dealing with cases of sexual misconduct. All adjudicators tasked with reviewing cases involving sexual misconduct will have received training in this area.
- 8.3 **Protection from Reprisals, Retaliation or Threats**
- 8.3.1 It is contrary to this Policy for anyone to retaliate, engage in reprisals or threaten to retaliate against a complainant (individual who lodged the formal complaint) or other individual for:
- pursuing rights under this Policy or the *Human Rights Code*;
  - participating or co-operating in an investigation under this Policy or the *Human Rights Code*; or

- being associated with someone who has pursued rights under this Policy or the *Human Rights Code*.

8.3.2 Anyone found to have engaged in such conduct will be subject to sanctions and/or discipline in accordance with the relevant policy (see section 13).

#### 8.4 **Vexatious Complaints**

8.4.1 If an individual, in good faith, reports or files a sexual misconduct complaint that is not supported by evidence gathered during an investigation, that complaint will be dismissed. Complaints that are found following an investigation to have been made in bad faith may result in sanctions and/or discipline against the individual who lodged the written complaint.

#### 8.5 **Multiple Proceedings**

8.5.1 Where criminal, civil and/or administrative proceedings are commenced in respect of allegations of sexual misconduct, the University reserves the right to conduct its own independent investigation into such allegations, or to defer its own investigation. The University will make its own determination in accordance with its policies and procedures. Where there is an ongoing criminal investigation, the University will cooperate with law enforcement agencies.

### 9. **RESPONSIBILITIES**

#### 9.1 **Institutional Responsibility to Provide Support and Timely Communications**

9.1.1 Coordinated care and sensitive and timely communication with survivors and with their family members (when a survivor consents to this communication) are central to the University of Windsor's first response to sexual misconduct. The University will provide access to trained support personnel and a central point of access for guidance and assistance.

9.1.2 To facilitate this support and communication the University of Windsor will:

- Ensure that designated staff members who are knowledgeable about sexual misconduct are responsible for advocacy on campus on behalf of students and employees who have experienced sexual misconduct
- Ensure that designated staff members are responsive to the needs of survivors and that they respond in a prompt, compassionate, and personalized fashion
- Ensure that survivors are provided with reasonable updates about the status of the University's investigation when such investigations are undertaken in response to an incident of sexual misconduct
- Include on the main University of Windsor webpage the contact information for the Sexual Misconduct Response and Prevention Officer, Student Affairs, Campus Community Police, Student Health and Counselling Services
- Maintain and update a [sexual misconduct information webpage](#) that can be easily accessed through the main University of Windsor webpage. This information webpage may include, but not be limited to:
  - Information on disclosure, reporting and complaint options
  - Educational resources on sexual misconduct
  - Contact information and links for campus and community services
- Report on aggregate data and its institutional efforts to prevent sexual misconduct, in conformity with any requirements established by the Province of Ontario

#### 9.2 **Institutional Responsibility to Protect**

9.2.1 The University of Windsor understands that survivors may wish to control whether or how their experience will be dealt with by the police and/or the University. Wherever possible, and subject to the University's legal obligations to investigate and/or take action, a survivor will retain this control.

- 9.2.2 The University may have a duty to investigate complaints of sexual misconduct and has a responsibility to reduce risks to the campus community. The coordination of responses to incidents of sexual misconduct includes taking steps to ensure the safety of the campus community. For example, when the safety of the University community is believed to be at risk, the University reserves the right to initiate an internal investigation and/or inform the police of the need for criminal investigation, even without the survivor's consent.
- 9.2.3 In the absence of a formal written complaint, the University has the obligation to act on information that suggests, for example:
- (a) an incident or a pattern of behaviours damaging to the climate and well-being of the campus community
  - (b) behaviour which poses a clear and ongoing threat to others

These actions may include investigation, institutionally imposed sanctions, educational interventions (see "[Education and Prevention](#)"), and communication to external bodies.

- 9.2.4 Where a complaint of sexual misconduct has been filed with the University, the University will exercise care to protect and respect the rights and privacy of both the survivor and the alleged perpetrator.

### 9.3 Institutional Responsibility to Provide Training

- 9.3.1 The University will strive to provide proactive, sustained and multifaceted training opportunities to all members of the University community, led by individuals with expertise in dealing with sexual misconduct. Investigators, adjudicators and Campus Police will receive specialized training, and sexual misconduct response will be led by individuals with specific training in dealing with sexual misconduct. Individuals in high impact student academic and service roles will receive training.

### 9.4 Bystander Responsibilities

- 9.4.1 Sexual misconduct is a community-based problem, and the University therefore takes the position that it is everyone's responsibility to intervene to prevent sexual misconduct. The University recognizes that in each situation there is often a range of possible intervention strategies, and emphasizes the importance of safe interventions that do not place any bystander in personal danger.
- 9.4.2 Bystanders have the right to [report](#) acts of sexual misconduct that they witness. Bystanders also have the right to report or to lodge [formal written complaints](#) when they perceive a specific pattern of sexual misconduct which they believe is creating a hostile or toxic environment where they work, study, or live.
- 9.4.3 Supervisors of employees have a legal duty to address sexual harassment and sexual misconduct that they witness or of which they have been informed. (See [Occupational Health and Safety Act](#) and [Human Rights Code](#)). More generally, as discussed earlier, the University may have a duty to investigate complaints of sexual misconduct to address its civil, criminal and human rights obligations.

### 9.5 Responsibility to Refer

- 9.5.1 A faculty or staff member who receives a disclosure has a responsibility to provide a referral sheet to the survivor. The survivor may choose to act on such a referral.
- ON-CAMPUS SUPPORTS AVAILABLE  
<http://www.uwindsor.ca/sexual-assault/8/resources#on-campus-resources>
  - OFF-CAMPUS SUPPORTS AVAILABLE  
<http://www.uwindsor.ca/sexual-assault/8/resources#off-campus-resources>

## 10. EDUCATION AND PREVENTION

- 10.1 Members of the University community are encouraged to contribute to the prevention of, intervention in and effective response to sexual misconduct. All members of the University community may play a role in building a safe and just educational environment by:
- Learning about sexual misconduct by participating in University-sponsored educational programs and campaigns
  - Modelling healthy and respectful behaviour in personal and professional relationships
  - Speaking out against behaviour that encourages sexual misconduct and assault, such as sexism, ableism, racism, homophobia and transphobia
  - Speaking out against behaviour that discourages reporting or the pursuit of a complaint, such as racism and sexism, the perpetuation of rape myths and victim-blaming, and joking about sexual misconduct and gender inequality
  - Developing the skills necessary to be an effective and supportive ally to survivors
  - Intervening in situations that could lead to sexual misconduct
  - Intervening to prevent sexual misconduct when it is safe to do so

## 11. MONITORING AND EVALUATING INTERVENTIONS

- 11.1 The University of Windsor will undertake a systematic approach to monitoring and evaluating its policies, protocols and practices to ensure that they are up-to-date and responsive to evolving campus needs. This will include periodic evaluations of the policy and protocols on sexual misconduct, and associated training and public education activities.
- 11.2 The University will strive to ensure a safe and secure physical environment by conducting periodic audits that identify potential campus safety risks and that include assessments of the campus climate regarding sexual misconduct on campus.
- 11.3 Audits, evaluations and assessments will be used to address identified gaps in policies, training and educational activities.

## 12. RELEVANT LEGISLATION AND PROVINCIAL MANDATES

- 12.1 Include but are not limited to:
- 12.1.1 Relevant sections of the *Criminal Code of Canada* (<http://laws-lois.justice.gc.ca/PDF/C-46.pdf>):
- voyeurism (section 162)
  - indecent act/exposure (section 173)
  - criminal harassment (section 264) – including stalking and cyber harassment (section 264)
  - sexual assault (section 271), sexual assault with a weapon, threats to a third party or causing bodily harm (section 272), aggravated sexual assault (section 273)
  - meaning of consent (section 273.1)
  - sexual offences, consent no defence (section 150.1)
  - sexual exploitation of person with disability (section 153.1)
- 12.1.2 The Ontario *Human Rights Code*, Part I (<http://www.ohrc.on.ca/en/ontario-human-rights-code>), which prohibits discrimination in the provision of educational services, in housing and in employment on the basis of sex, sexual orientation, gender identity and gender expression. The *Human Rights Code* also prohibits harassment in employment on the basis of sex, sexual orientation, gender identity and gender expression. The behavior prohibited by the *Human Rights Code* includes sexual misconduct.
- 12.1.3 The Ontario *Occupational Health and Safety Act* (“OHS”), Part III.0., (<https://www.ontario.ca/laws/statute/90o01>) prohibits violence and harassment in the workplace. This prohibition includes sexual harassment and sexual violence.
- 12.1.4 The Provincial Report, *It’s Never Okay: An Action Plan to Stop Sexual Violence and Harassment* (<http://docs.files.ontario.ca/documents/4593/actionplan-itsneverokay.pdf>)

### 13. RELATED UNIVERSITY BYLAWS, POLICIES AND AGREEMENTS

13.1 Include but are not limited to:

- Human Rights Policy
- Harassment Prevention Policy
- Policy on Intimate Personal Relations
- Procedures for Addressing Student Non-Academic Misconduct
- Senate Bylaw 32: Procedural Irregularities and Discrimination Regarding Academic Instruction, Evaluation and Appeals
- Student Code of Conduct
- Unacceptable Use of Computer Resources
- Violence Prevention Policy
- Collective Agreements between the University of Windsor and its staff and faculty

13.2 The following provides preliminary guidance for determining which institutional policies may also apply to a given situation. Those seeking to file a written complaint should contact the Sexual Misconduct Response and Prevention Officer for information, guidance and assistance.

The alleged perpetrator is a student	Human Rights Policy Procedures for Addressing Student Non-Academic Misconduct (attached as Appendix A) Student Code of Conduct Unacceptable Use of Computer Resources
The alleged perpetrator is an employee (faculty or staff)	Collective Agreements between the University of Windsor and its staff and faculty Harassment Prevention Policy Human Rights Policy Policy on Intimate Personal Relations Senate Bylaw 32: Procedural Irregularities and Discrimination Regarding Academic Instruction, Evaluation and Appeals Unacceptable Use of Computer Resources Violence Prevention Policy <i>[Some of the above apply to specific employee groups only]</i>
The alleged perpetrator is any other person	Contact the Sexual Misconduct Response and Prevention Officer for information, guidance and assistance

13.3 The relationship between the Campus Community Police and the Windsor Police Service is outlined in an agreement between them. Please note that disclosing, reporting or filing a written complaint with Campus Community Police may result in the logging of a report with the Windsor Police Service. When Campus Community Police become aware of an alleged incident of sexual misconduct, they determine whether the incident must be investigated, in which case it must be reported to Windsor Police. The Campus Community Police will in all cases consult with the Sexual Misconduct Response and Prevention Officer promptly to ensure institutional awareness of the incident and to ensure that the survivor is provided with the opportunity to receive assistance and support if desired.

13.4 The Sexual Misconduct Response and Prevention Officer is available to assist individuals wanting to pursue charges under the *Criminal Code of Canada* through the Windsor Police Service. Individuals can also contact the Windsor Police Service directly at (519)-258-6111 at any time.

### 14. POLICY REVIEW

14.1 The University will review this policy at least once every three years and amend it as appropriate.

*[In drafting this document, policies and protocols of other Ontario institutions, including the University of Guelph, Lakehead University, Queen’s University and Colleges Ontario, were reviewed. The Ontario Women’s Directorate Report (2013) and the METRAC Report (2014) were also reviewed. Passages from these policies, protocols and reports have been adapted for use in this document with their permission.]*



**APPENDIX A**  
**Procedures for Addressing Student Non-Academic Misconduct**

**1 Preamble**

1.1 The objectives and purposes of the University of Windsor are:

- (a) The advancement of learning and the dissemination of knowledge; and
- (b) The intellectual, spiritual, moral, social and physical development of its members and students and the betterment of society. (University of Windsor Act (1962-63, amended 1969))

The pursuit of these objectives, in a safe and mutually respectful environment, requires that all members of the University community act responsibly and with honesty, trust, respect and fairness at all times. As members of the University community, students are therefore expected to conduct themselves with integrity as illustrated by the Student Code of Conduct, the codes of conduct established by their professional discipline and any other applicable policy or procedures. Any student who commits an act of Non-Academic Misconduct, as defined in these procedures may be disciplined in the interest of safeguarding and upholding these objectives. It is the purpose of these procedures to set out a fair and equitable process by which these standards are upheld.

- 1.2 These procedures apply to all current registered students. These procedures also apply to students registered in the Schulich School of Medicine and Dentistry as agreed to by the University of Windsor and Western University. Faculty and staff discipline is covered under the respective collective agreements and personnel policies and practices.
- 1.3 For the purpose of these procedures, all communications (including signatures, notices, memos, invitations, decisions, *etc.*) may be electronic.

**2 Related Bylaws and Policies include:**

Acceptable Use Policy  
Behavioural Intervention Plan  
Bylaw 33: Student Rights and Freedoms  
Sexual Misconduct Policy  
Student Code of Conduct  
Residence Handbook  
Any and all other bylaws, policies, or procedures governing student conduct

**3 Definitions**

*In these procedures:*

**Academic Integrity and Student Conduct Officer** (or designate) may provide information on Non-Academic Misconduct matters and may investigate complaints where requested by the Associate Vice-President, Student Experience.

**Adjudicator** means the Provost (or designate) who has final and binding jurisdiction over appeals of Decisions of the Associate Vice-President, Student Experience (or designate), with the exception of suspension orders, under section 9, and exclusion from campus orders, and expulsions, which require the approval of the President to be final and binding.

**Advisor** means family member, friend, advocate, or other Member of the University Community.

**Associate Vice-President, Student Experience** (or designate) will normally act to investigate and adjudicate Non-Academic Misconduct matters. Where the Associate Vice-President, Student Experience is reporting the Non-Academic Misconduct or in the event of the absence or inability to act of the Associate Vice-President, Student Experience, the President shall designate someone (other than the Provost) to act in the Associate Vice-President, Student Experience's place under these procedures on that particular matter.

**Decision(s)** means finding of misconduct and sanction, or dismissal.

**Legal counsel** means a lawyer licensed by the Law Society of Upper Canada, including an individual working under the auspices of a lawyer such as Community Legal Aid student.

**Member of the University Community** includes Campus Police and any and all faculty members, staff members, and students.

**Non-Academic Misconduct** means all actions that breach the University's bylaws and policies and that are not academic misconduct.

**Parties** means the University as represented by the Associate Vice-President, Student Experience (or designate) and the Student.

**Party** means either the University as represented by the Associate Vice-President, Student Experience (or designate) or the Student.

**Restorative Justice** is an approach to justice which seeks to repair the harm caused by giving the individuals involved an opportunity to acknowledge responsibility, communicate about the issues and propose their own solutions. This approach seeks reparation and reintegration through collaboration. Restorative justice will take the form of a voluntary confidential mediation that is non-prejudicial to the other procedures set out herein.

**Sexual Misconduct Response and Prevention Officer** provides confidential support, referrals and assistance to individuals related to experiences of sexual misconduct (within the limits outlined by the Policy on Sexual Misconduct). The Sexual Misconduct Response and Prevention Officer will assist individuals to make informed choices and to navigate relevant institutional and community processes, but will not undertake investigations of incidents of sexual misconduct.

**Student** means individual who is subject to the Non-Academic Misconduct complaint.

**Subject Matter Expert** means an individual appointed by the President who is an authority in a particular area or topic, and who will receive and review evidence related to an appeal for the sole purpose of providing professional advice to the Adjudicator, as needed.

**Teachable Moment** means a learning opportunity for the Student. In the context of Non-Academic Misconduct complaints, teachable moments sometimes can be a more appropriate and effective way of reaching and educating the Student, and mitigating repeat breaches, than the pursuit of a complaint and/or the imposition of any sanction. It is understood that the Associate Vice-President, Student Experience and the Adjudicator may incorporate teachable moments in the review and adjudication of all complaints.

#### **4 Non-Academic Misconduct Complaints**

Non-Academic Misconduct complaints may be filed by any Member of the University Community. Such complaints are to be submitted in writing to the Associate Vice-President, Student Experience, including all relevant documentation and evidence in its original form, where possible. Copies of submitted materials should be kept as the University will not return submitted materials. In matters under the University of Windsor Policy on Sexual Misconduct, a survivor, as defined in the Policy, may choose not to request an investigation by the University, and has the right not to participate in any investigation by the University that may occur.

## 5 Procedures in Cases of Non-Academic Misconduct

### 5.1 Step 1 – Review and Decision by Associate Vice-President, Student Experience

5.1.1 Where a complaint is submitted to the Associate Vice-President, Student Experience, s/he shall investigate the complaint. As part of the investigation, the Associate Vice-President, Student Experience (or designated investigator) shall request a meeting with the Student to review the evidence in support of the complaint. The Student shall, in advance of the meeting, be informed of the purpose of the meeting, be provided with a copy of the complaint, and be informed that s/he has the right to have an Advisor present at this meeting. In cases where the Student does not respond to the request for a meeting or chooses not to meet with the Associate Vice-President, Student Experience (or designated investigator), the Student shall be informed in writing that the Associate Vice-President, Student Experience will be required to make a decision without the Student's input. No finding of misconduct or disciplinary penalty shall be imposed based solely upon the failure of the Student to meet with the Associate Vice-President, Student Experience (or designated investigator).

In the case of sexual misconduct matters, the Associate Vice-President, Student Experience, if s/he does not have specific training in this area or wishes assistance, will identify an investigator who is specifically trained in dealing with cases of sexual misconduct to conduct the investigation. The investigator shall follow the procedures under this paragraph and 5.1.2 and submit his/her recommendation to the Associate Vice-President, Student Experience.

The investigation shall normally be completed within 28 calendar days of having received the complaint.

5.1.2 Throughout the investigation stage, the merits of potential misconduct cases should be assessed with careful consideration of whether misconduct occurred, to determine:

a) whether the complaint should be dismissed

and/or

b) the advisability of a Teachable Moment, in cases where the act is determined to be the result of a lack of understanding of expectations on the part of the Student. In such cases, a Teachable Moment might be considered in lieu of a sanction.

and/or

c) the advisability of restorative justice if the Student substantially agrees with the contents of the complaint and accepts responsibility for his or her actions. A restorative mediation might be considered in lieu of a sanction.

and/or

d) the need for a disciplinary response, taking into account the nature and scope of the possible misconduct, whether there was intent, the context in which it occurred, the Student's educational and cultural background and other relevant circumstances. Specific illustrations include (this list is not exhaustive):

- Whether the Student accepts responsibility for his/her action and is amenable to educative remedies
- Extenuating circumstances that may help explain the action taken by the Student
- Any other aggravating or mitigating factors (health, personal issues, etc.)
- The severity of the breach, including its impact on others (within and outside the university community)

- 5.1.3 Having completed the investigation, the Associate Vice-President, Student Experience shall either:
- a) dismiss the complaint; or
  - b) determine that Non-Academic Misconduct occurred, and impose a sanction (see Appendix I for list of sanctions); or
  - c) attempt to mediate, with the consent of the individual who filed the complaint and the Student (and his/her Advisor), a settlement of the dispute. If a mediated settlement is not reached, the AVP,SE shall decide between (a) or (b) above; or
  - d) attempt a restorative mediation if the Student substantially agrees with the contents of the complaint and accepts responsibility for his or her action and the individual who filed the complaint and the Student consent. The focus of a restorative mediation is on identifying and repairing any harm caused to individuals, relationships, and property, and on helping the Student to make better future choices. If at any time the Student is unwilling to accept responsibility or either party does not want to continue with the process, the restorative mediation will cease. Whether a restorative mediation occurs does not preclude the AVP, SE from also deciding between (a), (b) or (c).

In the case of either (a), (b), (c) or (d) above, the Associate Vice-President, Student Experience may offer a Teachable Moment, as appropriate.

Upon a finding of Non-Academic Misconduct and when imposing a sanction, the Associate Vice-President, Student Experience shall take into consideration the nature and scope of the Non-Academic Misconduct, whether there was intent, the context in which it occurred, the Student's educational and cultural background, whether this was a first breach (see 8.1), and other relevant circumstances (see 5.1.2).

- 5.1.4 The Associate Vice-President, Student Experience shall inform the Student of the Decision and his/her right of appeal to the Adjudicator and the process to be followed. This shall normally be done within 35 calendar days after having received the complaint.

## 5.2 Step 2 – Appeal

- 5.2.1 Students have an automatic right of appeal to the Adjudicator (see section 6). A Student wishing to exercise his/her right to appeal a finding of Non-Academic Misconduct and/or sanction imposed by the Associate Vice-President, Student Experience shall initiate the appeal process within 14 calendar days of having received the Decision of the Associate Vice-President, Student Experience. The Decision shall be deemed to have been received by the Student three calendar days after it has been sent by the Associate Vice-President, Student Experience to the Student's UWin email address. The Adjudicator has the power to extend this deadline when the interests of justice warrant or where no substantial prejudice would result.

- 5.2.2 With the exception of suspension or exclusion from campus orders under section 9, exclusion from campus facilities orders and expulsion orders, an appeal to the Adjudicator shall operate as a stay on the Decision of the Associate Vice-President, Student Experience.

## 6 Appeal Procedures

- 6.1 Appeal proceedings shall observe the principles of natural justice including the Parties' rights:
- (a) to be present, unless the Party disrupts the hearing;
  - (b) to present relevant evidence;
  - (c) to question all witnesses at the hearing and to comment upon all documents presented;
  - (d) to an Advisor or Legal Counsel.

- 6.2 Order of proceedings:
- 1) opening statements from the Associate Vice-President, Student Experience and/or the University's Advisor or Legal Counsel
  - 2) opening statements from the Student and/or the Student's Advisor or Legal Counsel
  - 3) evidence presented by the Associate Vice-President, Student Experience and/or the University's Advisor or Legal Counsel
  - 4) cross-examination of witnesses by Student and/or the Student's Advisor or Legal Counsel
  - 5) evidence from the Student and/or the Student's Advisor or Legal Counsel
  - 6) cross-examination of witnesses by Associate Vice-President, Student Experience and/or the University's Advisor or Legal Counsel
  - 7) closing statements from the Associate Vice-President, Student Experience and/or the University's Advisor or Legal Counsel
  - 8) closing statements from the Student and/or the Student's Advisor or Legal Counsel
- 6.3 Hearings should normally be held within 60 calendar days of receipt of the Student's appeal filing.
- 6.4 The Parties will be notified at least 14 calendar days before the hearing, of the date, time, and place of the hearing. This notice period may be waived by the Parties in writing.
- 6.5 If a Party, who has been notified of an appeal date, is absent without contacting the Adjudicator with a satisfactory explanation, the appeal may proceed in his/her absence.
- 6.6 No disciplinary penalties shall be imposed based solely upon the failure of the Student to respond to the complaint, or appear at the appeal, or testify. In any such case, the evidence in support of the complaint shall be presented and considered.
- 6.7 Subject only to the rules of privilege and privacy, the Parties will disclose to each other, at least five calendar days before the hearing, all relevant documents in their possession, including a summary of the evidence witnesses are expected to give, by delivering it directly to the other Party.
- 6.8 The Parties will also disclose to each other the names of witnesses they may call to give evidence; however, the Associate Vice-President, Student Experience may decline to disclose the names of one or more witnesses if s/he determines, in his/her discretion, that disclosure of the name(s) in advance may pose a risk to the safety of any witness. The Adjudicator may order the disclosure of name(s), where s/he deems it appropriate.
- 6.9 The obligation to disclose in Section 6.7 and 6.8 continues throughout the hearing process. Where any evidence is submitted at or very close to the hearing date by one Party pursuant to this continuing obligation to disclose, the Adjudicator may, upon request, grant a recess or adjournment in order to provide the other Party the opportunity to review the additional evidence submitted.
- 6.10 The Parties shall present to the Adjudicator all evidence relevant to the matter under appeal. The evidence may include, but is not limited to, witnesses' testimony, written reports or statements, documents, and information from faculty members, Residence Life staff, or other University staff or students whose input may be of assistance. The Adjudicator may also request such input or ask questions of the Parties or any witness called by the Parties.
- 6.11 The Adjudicator will have control over his/her own procedures and may set additional procedures as necessary provided they are not inconsistent with these procedures and provided they are in accordance with the principles of fairness and natural justice. The Adjudicator will have the power to waive or extend deadlines when the interests of justice warrant or where no substantial prejudice would result.

- 6.12 The Adjudicator may consult with a Subject Matter Expert, who will receive and review information, which shall be free from any identifying information, for the sole purpose of providing professional advice to the Adjudicator. Any professional advice provided to the Adjudicator by the Subject Matter Expert shall be reported to the Parties who shall be given the opportunity to respond. No identifying information will be submitted to the Subject Matter Expert without the prior consent of the Student. The Subject Matter Expert may attend the hearing with the consent of the Student.
- 6.13 The Adjudicator is not bound by the rules of evidence applicable to judicial proceedings but will be guided by the principles of fairness and natural justice, and will adhere to the rules of privilege and privacy.
- 6.14 The hearing will be open to the public. Where, in the opinion of the Adjudicator, or at the request of either Party, the matters that will be discussed will involve intimate, financial, personal, or other sensitive matters, the Adjudicator may order that the hearing be closed, in which case the proceedings and evidence will be confidential.
- 6.14.1 If the hearing is open to the public, members of the public who are present may not record, participate in, or in any way disrupt, the proceedings.
- 6.14.2 If the hearing is closed to the public, at the discretion of the Adjudicator, others may be permitted to attend the proceedings for training purposes, or other reasonable considerations. The obligation to maintain the confidentiality of the proceedings will be extended to them.
- 6.15 The standard of proof will be on a balance of probabilities.
- 6.16 The Parties will bear their own costs of the proceedings, including the costs associated with producing witnesses, and requesting additional copies of materials already provided. No orders as to costs will be made.
- 6.17 The Adjudicator may issue his/her Decision orally on the date of the hearing, in which case the Decision will be effective as at that date. Whether a Decision is issued orally on the date of the hearing or the Adjudicator reserves judgment, the Adjudicator will inform the Parties to the hearing in writing of his/her finding(s) and the sanction(s), if any, to be imposed, within seven calendar days of the hearing. Decisions of the Adjudicator shall be final and binding, with the exception of suspension orders, under section 9, exclusion from campus orders, and expulsions, which require the approval of the President to be final and binding.
- 6.18 Where, in the opinion of the Adjudicator, or at the request of either Party, the matters that will be discussed will involve intimate, financial, personal, or other sensitive matters, the Adjudicator may order that the final Decision be confidential.
- 6.19 A party may request that the Adjudicator review his/her Decision where:
- a) there are new facts or evidence that could potentially be determinative of the case and that could not reasonably have been obtained earlier;
  - b) the party seeking the review was entitled to but, through no fault of its own, did not receive notice of the appeal hearing; or
  - c) other factors exist that, in the opinion of the Adjudicator, outweigh the University community's interest in the finality of the Decision.

The request shall include reasons for the request, including the basis upon which the Adjudicator is asked to grant the request for review and evidence in support of the request.

A request for a review submitted more than 30 calendar days following the Decision shall not be granted unless the Adjudicator determines that the delay was incurred in good faith and no substantial prejudice will result to any person affected by the delay. A request for a review submitted 2 or more years after the Decision was issued shall not be granted.

The decision of the Adjudicator on a request to review a Decision and the Decision of the Adjudicator following the review, if any, shall be final, subject to that which requires approval of the President.

## **7 Non-Academic Misconduct and Student Status**

Transcripts normally shall not be issued directly to a Student charged with Non-Academic Misconduct while there is a complaint pending. Exceptions to this will be at the discretion of the Associate Vice-President, Student Experience. However, transcripts may be sent directly to institutions, employers and potential employers, upon the request of the Student. If the Student is found to have committed an act of Non-Academic Misconduct and a sanction of suspension and expulsion is imposed which involves a transcript notation, those institutions, employers and potential employers provided with a copy of the Student's transcript shall be sent a revised transcript by the Office of the Registrar.

## **8 Records of Non-Academic Misconduct**

- 8.1 At the conclusion of a matter, and with the exception of complaints that have been dismissed, the Associate Vice-President, Student Experience or the Adjudicator (as the case may be) shall submit a record containing the Student's name, Student number, the nature of the complaint, the finding of Non-Academic Misconduct and the sanction to a central database. The record shall be kept indefinitely. The record shall be used for statistical information purposes and to determine, after a finding of Non-Academic Misconduct and before a sanction is imposed, whether there has been a previous breach. Access to the records in the database shall be restricted to the University Secretariat. Confirmation of first or subsequent breaches shall be provided upon request to the Associate Vice-President, Student Experience and the Adjudicator by the University Secretariat if and when there has been a finding of Non-Academic Misconduct as determined by these persons/bodies.
- 8.2 The length of time for maintaining notations on transcripts, as they relate to sanctions, shall comply with Appendix I.
- 8.3 Where there has been a finding of Non-Academic Misconduct, the file, other than that listed under 8.1, shall be destroyed upon the expiration of the sanction, provided that the file shall be kept for a minimum of two years beyond its last use.
- 8.4 In the event that the complaint is dismissed, the Student's discipline file relating to the case, which shall include all records collected for the case, shall be retained for a period of two years and the records shall be destroyed thereafter. No personal identifying information shall be retained following this period. A record containing the nature of the complaint and the dismissal of the complaint shall be kept indefinitely for statistical purposes only.

## **9 Extraordinary Power of Suspension and Exclusion from Campus**

- 9.1 Cases of Non-Academic Misconduct that present a reasonable apprehension of a risk to persons or property should be brought to the immediate attention of the Associate Vice-President, Student Experience. The complaint shall take the form of a verbal, written or email report, sent by the complainant, including all relevant documentation and reference to all material evidence that is available at that time, and shall be submitted to the Associate Vice-President, Student Experience. The Associate Vice-President, Student Experience shall notify the President immediately upon receipt of such a complaint.
- 9.2 In cases where the Associate Vice-President, Student Experience considers that the Non-Academic Misconduct presents a reasonable apprehension of risk to persons or property, the Associate Vice-President, Student Experience shall have the right to issue an interim suspension order and/or exclusion from campus order to the Student.

- 9.3 Immediately following the issuance of the order under 9.2 and following the procedures under section 5, the Associate Vice-President, Student Experience shall complete his/her investigation, confirm or amend his/her Decision, and inform the Student of the Decision and his/her right of appeal to the Adjudicator and the process to be followed. This shall be done within seven calendar days of having received the complaint under 9.1.
- 9.4 The Student has an automatic right of appeal to the Adjudicator. If the Student wishes to exercise his/her right to appeal a finding of Non-Academic Misconduct and/or sanction imposed by the Associate Vice-President, Student Experience under 9.3, the Student shall initiate the appeal process within fourteen calendar days of having received the Decision of the Associate Vice-President, Student Experience. The Decision shall be deemed to have been received by the Student three calendar days after it has been sent by the Associate Vice-President, Student Experience to the Student's UWin email address.
- 9.5 Appeal procedures are set out in section 6.
- 9.6 A Student who has been issued a suspension order and/or an exclusion from campus order under the provisions in this section 9 and is appealing the order to the Adjudicator may be permitted to complete and submit for evaluation through the Office of the Registrar any course work for assessment (including mid-term or final examinations, essays, *etc.*) which falls due while the review of the order is pending, subject to prescriptions or conditions set out by the Registrar (or designate).
- 9.7 Decisions of the Adjudicator under this section require the approval of the President (or designate). Once approved by the President (or designate), Decisions are final and binding.

**10 Report to President**

The President shall be notified of all Non-Academic Misconduct complaints and their dispositions.

## APPENDIX I

### I Determining the Sanction(s) to Impose<sup>1</sup>

- a) Where there is a finding of Non-Academic Misconduct, as defined in these procedures, one or more of the sanctions listed below may be imposed by the Associate Vice-President, Student Experience and the Adjudicator (with the exception of #8 and #9, which require approval of the President as set out under section 9, and #10 which always requires the approval of the President), taking into account the nature and scope of the Non-Academic Misconduct, whether there was intent, the context in which it occurred, the Student's educational and cultural background and other relevant circumstances. Specific illustrations include (this list is not exhaustive):
- Whether the Student accepts responsibility for his/her action and is amenable to educative remedies
  - Extenuating circumstances that may help explain the action taken by the Student
  - Any other aggravating or mitigating factors (health or personal issues)
  - The severity of the breach, including its impact on others (within and outside the university community)
  - Any record of previous breaches
- b) Disciplinary actions are an opportunity to educate and should, where appropriate, also incorporate a Teachable Moment.

### II List of Sanctions

1. **Admonition:** A notice to the Student, orally or in writing, that s/he has violated a rule of conduct and that continuation or repetition of the conduct found wrongful may be cause for more severe disciplinary action. There shall be no transcript notation related to this sanction.
2. **Letter of Apology/or Reflection:** A short reflective paper describing the Non-Academic Misconduct and acknowledging wrong-doing. There shall be no transcript notation related to this sanction.
3. **Educational Session:** A requirement that the Student attend an educational session, if available, addressing the Non-Academic Misconduct. (The educational session may be offered by an individual (*e.g.*, Associate Vice-President, Student Experience) or through a formal workshop offered through an appropriate University office or other organization.) There shall be no transcript notation related to this sanction.
4. **Censure:** A reprimand for violation of a specified University regulation, including the possibility of more severe disciplinary sanction in the event of conviction for the violation of any University regulation within a period of time stated in the reprimand. There shall be no transcript notation related to this sanction.
5. **Denial of Registration:** A decision to deny the Student permission to register, or to cancel the Student's registration in a course or program. There shall be no transcript notation related to this sanction.
6. **Restitution:** Reimbursement for damage or misappropriation of property. Reimbursement may take the form of appropriate service to repair or otherwise compensate for damages. There shall be no transcript notation related to this sanction.
7. **Exclusion from Campus Facilities:** Exclusion from facilities including, among others, revocation of computing privileges, as set forth in the notice of exclusion from specific campus facilities for a specified period of time. There shall be no transcript notation related to this sanction.

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<sup>1</sup> University of Waterloo Policy 71, Student Discipline, section 4 Penalties

8. **Exclusion from Campus:** Denial of access to the campus for Non-Academic Misconduct. This may involve other conditions for removing the ban, which shall be included in the exclusion order. Exclusion from campus orders issued by the Adjudicator under section 9 require the approval of the President. There shall be no transcript notation related to this sanction.
9. **Suspension:** Exclusion from classes and other privileges or activities as set forth in the notice of suspension for a specified period of time. Suspension orders issued by the Adjudicator under section 9 require the approval of the President. This sanction shall result in a transcript notation for a specified period of time.
10. **Expulsion:** Termination of Student status for an indefinite period. The conditions of readmission, if any is permitted, shall be stated in the order of expulsion. Expulsion orders require the approval of the President. A notation shall be placed on the Student's transcript for an indefinite period of time. A Student may apply to the Associate Vice-President, Student Experience or the Adjudicator, as the case may be, to request to have the notation of expulsion removed from his/her transcript three years after the imposition of the sanction. Decisions to remove the transcript notation must be approved by the President.

### III Transcript Notations

Sanction notations shall be automatically removed from the Student's transcript upon the expiration of the sanction. With the exception of #10, in cases where placement of a sanction on the transcript will have an adverse impact on employment or on applications to graduate programs, or other post-secondary programs, the Student may appeal to the Adjudicator to have the notation period shortened or the notation removed.