



## SUBMISSION

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February 9, 2009

To: Code of Student Conduct Review Committee  
From: University Students' Council of the University of Western Ontario  
**RE: CODE OF STUDENT CONDUCT**

### BACKGROUND

*The University Students' Council (USC) is satisfied with The University of Western Ontario Code of Student Conduct, and urges the committee to largely maintain the status quo.*

We would like to take this opportunity to articulate several principles that we believe must underpin your deliberations, and also to share observations and recommendations aimed at strengthening and clarifying the document.

### PRINCIPLES

- **The University of Western Ontario does not stand *in loco parentis* to its student population.** Students are not wards of the university; the institution's regulation of students' behaviour should be limited to actions that can be demonstrated to negatively impact the activities and programmes of the institution.
- **Students are citizens of London, subject to the same rights and responsibilities as other citizens.** If a challenge exists in society that current laws and enforcement methods are not able to address, then lawmakers have a responsibility to craft solutions that apply equally to all citizens.
- **Students are members of the university community, subject to the academic and non-academic rights and responsibilities associated with the proper functioning of an institution of higher learning.** It is entirely appropriate for the university to develop regulations and sanctions to protect the integrity of the institution's academic mission, and non-academic programming. Furthermore, the safety of the community is imperative to all its members, and regulations associated with ensuring this safety are necessary.
- **Principles of restorative justice are important in providing an environment within which critical thinking, humane values, and practical skills are cultivated and sustained.** While the safety and integrity of the institution are of paramount importance, when possible, consideration should be given to the opportunity for offenders to grow from mistakes and continue on to a safe and successful learning experience.

### OBSERVATIONS

- **Confusion exists within the London community regarding the scope and application of the Code of Student Conduct off-campus.** Section I, 7, (b) (i) and (ii) clearly limits the code's application off-campus, but many Londoners incorrectly read section V, 8 as the university having broad authority to apply the code when students violate a federal or provincial statute or municipal by-law off-campus. Thus, community members routinely express frustration when the university does not 'use its authority' to apply the code in off-campus situations where student citizens violate noise, parking by-laws, etcetera.
- **The current application of the Code of Student Conduct off-campus is appropriate, and must not be expanded.** Further expansion of the code's application off-campus would be untenable to the USC, as we believe students' off-campus conduct is equal under the law to the conduct of other non-student citizens. If society deems the law and/or enforcement methods inadequate to address challenges in the community, then it is the responsibility of society to create and enforce new laws; it is not the responsibility of a private institution to short-circuit the laws of the land for the sake of convenience, or expediency.
  - This belief does not absolve the university and students' council of their shared responsibility to work diligently, in partnership with other arms of civil society, to address off-campus behaviour. In fact, both the university and students' council dedicate significant resources towards building stronger near-campus neighbourhoods, and will continue to do so.

- We would further note that it is our belief that the university does not have the legal authority to expand the application of the code off-campus beyond the current scope. It may be wise for the review committee to publish a legal opinion, and put this issue to rest once and for all.
- **Clarity is required regarding ‘conduct that has, or might reasonably be seen to have, an adverse effect on the reputation...of the University.’** We believe that the ambiguity of the statement in section V, 9, (c) could leave some readers with the incorrect impression that any public criticism of the university by a student, that can be demonstrated to have an adverse effect on Western’s reputation, could lead to sanctions under the Code.
- **A perception seems to exist that sanctions are aimed primarily towards punishment, as opposed to restorative justice goals.** It is appropriate for the institution to sanction as necessary and in accordance with particular offences. However, the language of section VI may lead readers to misinterpret the goal of the system as purely punitive.

#### RECOMMENDATIONS:

- **Reiterate the limitations of the Code of Student Conduct’s application off-campus in section V.** If a student or member of the public only reads section V, they should understand that the Code can only be applied as per I, 7. This could be achieved by referring readers back to section I, or by directly noting limitations in the examples of prohibited conduct, particularly conduct that traditionally occurs off-campus.
- **Maintain the scope of the Code’s current application off-campus.** We understand that many local community members believe that applying the Code off campus is a ‘silver bullet’ to addressing behavioural issues in near-campus neighbourhoods. We would note that Queen’s University has applied their Code of Conduct off-campus for more than a century, yet few would argue that Kingston’s near campus neighbourhoods are models of civility and serenity. Thus, in addition to our principled disagreement with applying the Code off campus, bolstered by our understanding that doing so won’t stand up to a legal challenge, we strongly believe that the myth of the Code of Student Conduct as an all-healing antidote to poor off-campus behaviour is simply untrue.
- **Add clarifying language in V, 9, (c) that public criticism of the university shall not be subject to sanctions under the code.** There is certainly no intent by the university to limit public criticism of the institution, so adding such language would merely clarify this fact for all students. Clarification of what is considered to be damaging to the reputation of the institution would develop a greater understanding of this section’s intent.
- **Sanctions should continue to be administered appropriately to allow growth within offenders, and that the language in VI be considered to ensure utmost clarity within the Code.** As sanctions are delivered proportionally based on offences, there should continue to be a goal of allowing all students to continue learning in a safe community. The committee should visit the language of this section to ensure that principles of restorative justice are being communicated to readers effectively.