

SIMON FRASER UNIVERSITY

MEMORANDUM

3 (h)

SM 4/4/66

From R. N. Maud

*Senat
Discipline*

Date April 4, 1966.

Senate
Subject Discussion Paper on Student Discipline

Faculty Council exercises disciplinary jurisdiction over students subject to the approval of Senate, and any person aggrieved by a decision of the Faculty Council has the right of appeal to Senate. It is therefore in the interests of both Faculty Council and Senate that there should be a meeting of minds on the general principles to be applied in student discipline.

The following points are proposed as a basis for initiating an exchange of views between Faculty Council and Senate:

PUNISHMENTS

The concept of punishment as the appropriate and effective response to an offence against society is becoming outmoded. Alleviation of the cause of the offense and rehabilitation of the offender are usually considered preferable responses. Hence, although the University has the power to fine students, such "fines" should not normally go beyond the actual cost of repairing damage or replacing misappropriated property; fines should not be used as threats in an attempt to coerce students into orderly behaviour. And, although the University has the right to expel or suspend students, such a right should be exercised only in the most extreme circumstances of repeated offenses; the University cannot educate difficult students by expelling them.

ADJUDICATION

The treatment of a student offender would customarily involve (a) a gathering of the facts, (b) an understanding of the motive, (c) an attempt to rectify the situation by means of an apology by the student, or a monetary levy (a "fine" as defined above), or by other restitution befitting the offense. This procedure naturally involves a full and sympathetic hearing of the student's side of the case, and skill on the part of the adjudicating body in persuading all parties involved to take a reasonable attitude. There may be cases in which the student "offender" will be judged morally correct, while the University regulation is judged in need of correction or reinterpretation. If, in the end, a student is asked to make retribution, etc., against his will, or is otherwise aggrieved, he should be informed of his right of appeal to Senate.

CIVIL OFFENSES

Students should be under no illusion that the University can, or intends to, protect them from the normal consequences of violating the laws of the land. Hence, the University should not attempt to take on cases that are properly a matter for the civil courts.

FREEDOM OF SPEECH, PUBLICATION, & ASSEMBLY

No rule should be written, and no judgment should be made, that tends to inhibit peaceful assembly, orderly protest, or any legal speech, writing, or other form of expression on the part of students.