University of Windsor

**SENATE BYLAW**

**Bylaw 33: Student Rights and Freedoms**

APPROVED by Senate: 6 November 2007

AMENDED by Senate: 14 December 2012

1 Student Participation in University Government

The University reaffirms that students shall continue to participate in the formulation and application of institutional policy affecting academic and student affairs. The University recognizes the University of Windsor Students' Alliance as the official representative of the full-time undergraduate student body, the Graduate Student Society as the official representative of the graduate student body, and the Organization of Part-Time University Students as the official representative of the part-time undergraduate student body.

2. Recognition of Fundamental Freedoms

The University acknowledges that the mutual respect of student and teacher is fundamental to the learning process. It accepts as first principles the rights of freedom of thought, belief, opinion and expression, including freedom of the press and other media of communication, as interpreted under the Canadian Charter of Rights and Freedoms. These are rights which must be respected and protected if a University is to function and flourish. In the University classroom environment, these freedoms shall mean a reasonable opportunity for a student to question and to comment upon material under discussion and to introduce material relevant to the topic under discussion. It is the instructor's responsibility to assure these freedoms and the freedom of discussion for all students.

The Canadian Charter of Rights and Freedoms also guarantees to everyone the freedom of peaceful assembly and the freedom of association. The University affirms the right of public peaceful assembly and the open expression of ideas and opinions. While the protection of the Charter is afforded to all, this does not diminish the obligation to observe the law and not to interfere with the rights and privileges of others or the continuity of the educational process.

3 Confidentiality

Respect must be accorded the essentially confidential relationship between the University and its students by preserving to the maximum extent possible the privacy of all records relating to each student. Controlling principles are listed below:

3.1 The official student academic records, supporting documents, and other student files are confidential. They are to be maintained only by authorized members of the University staff employed for that purpose. The above principle of confidentiality is applicable to the records of all Faculty, Departmental and Administrative offices.

3.2 Separate records shall be maintained as follows:

3.2.1 academic records, supporting documents, and general educational records;

3.2.2 records of discipline proceedings;

3.2.3 medical records;

3.2.4 financial aid records.

3.3 Each student upon written notice shall be entitled to obtain information regarding all items in his/her academic, disciplinary or financial aid records as retained in the office of any Dean, Department Head or Administrative Officer, subject to such limitations as prescribed by law.

3.4 Medical records may be retained subject to the limitations on disclosure imposed by the normal rules for privileged information.

3.5 Where a student member gives express consent, the University and the officially recognized organizations (the University of Windsor Students' Alliance, the Graduate Student Society, and the Organization of Part-Time University Students) may publish information such as the student member's name, address (home and local), telephone number, email and/or web address, year and program of enrolment.

3.6 No records shall be required in relation to any of the following matters:

3.6.1 race or ethnic origin;

3.6.2 religion;

3.6.3 political or social views;

3.6.4 membership in any organization.

3.7 Personal Information – Use and Definition

3.7.1 Personal Information shall be used in a manner that is consistent with the University's obligations under the Freedom of Information and Protection of Privacy Act (FIPPA). The University shall not use personal information in its custody or under its control except,

3.7.1.1 where consent for the use is obtained;

3.7.1.2 where a Notice of Collection has been provided under FIPPA and the proposed use of the information is the purpose for which the information was obtained, as outlined in the Notice, or where the proposed use is consistent with that purpose; or

3.7.1.3 for the University's own fundraising activities where the personal information is reasonably necessary for those activities and the notice requirements under FIPPA have been complied with.

3.7.2 In sections 3.7 and 3.8, 'personal information' shall be defined with reference to the Freedom of Information and Protection of Privacy Act, R.S.O. 1990, Chapter F.31, s. 2 (as amended from time to time).

3.7.3 Any use or disclosure of personal information other than for the purposes outlined in 3.7.1 may constitute a violation of this bylaw and the user may be subject to disciplinary action.

3.8 Personal Information – Disclosure

3.8.1 The Personal Information of a current student shall not be disclosed to any individual or organization unless:

3.8.1.1 the student consents to the disclosure;

3.8.1.2 the information is disclosed for the purpose for which the information was obtained or a consistent purpose;

3.8.1.3 the disclosure was made to an officer or employee of the institution who requires

the information in the course of performing their lawful duties;

3.8.1.4 the disclosure was for the purposes of complying with an Act of the Legislature or an Act of Parliament; or

3.8.1.5 the disclosure is authorized by law or by court order.

3.8.2 The following information may be released in response to any inquiry concerning a student who has graduated from the University: Faculty or School of enrollment; degree(s) awarded, honours, major field and relevant date of graduation. Additional information shall only be released as required under operation of law, government regulation or court order.

3.9 Preservation of Records

3.9.1 Subject to such retention requirements as prescribed by law, no records shall be preserved beyond graduation or other final departure from the University of any student except as follows:

3.9.1.1 The academic, financial aid, discipline and award records;

3.9.1.2 Records of allegations of misconduct, and disposition and sanction (if any) shall be preserved. All other student disciplinary records resulting from actions taken under Bylaw 31 shall be preserved in accordance with Bylaw 31, section 3.5.2, and 3.9.1 above.

3.9.1.3 Records of unpaid accounts may be retained so long as any obligation to the University continues.