

THE QUEEN'S BENCH
Winnipeg Centre

BETWEEN:

MARTIN GREEN,

Plaintiff,

- and -

**HIEP TRAM, ARLENE SKULL, DEB WOLOSHYN, WALLY
STEWART, JOHN
ANCHAN, AND THE UNIVERSITY OF WINNIPEG,**

Defendants.

AFFIDAVIT OF COLIN RUSSELL

I, Colin Russell, of the City of Winnipeg, in the Province of
Manitoba, Registrar,

MAKE OATH AND SAY THAT:

1. I am the Registrar of the University of Winnipeg ("University"), one
of the Defendants in this action and as such have personal knowledge of
the facts to which I hereinafter depose, except where they are stated to
be based on information and belief, in which case I believe them to be
true.

2. The Plaintiff was registered as a student in the Faculty of Education at the University for the 2011 / 2012 academic year. The University, through its Board of Regents (“Board”), created a Student Non-Academic Conduct and Discipline Policy (“Policy”) which was in effect at the time the Plaintiff was registered as a student at the University. Attached as **Exhibit “A”** to my Affidavit is a copy of said Policy.

3. On or about November 22, 2011, I received a submission from the Defendant Dr. John Anchan, Associate Dean of Education (“Anchan”). Attached as **Exhibit “B”** to my Affidavit is the copy of the formal complaint against the Plaintiff.

4. Pursuant to the Policy, on or about November 22, 2011, I requested the Associate Dean of Science (Acting), Danny Blair (“Blair”) to investigate said complaint against the Plaintiff.

5. On or about November 27, 2011, I received the report of Blair’s investigation. Attached as **Exhibit “C”** to my Affidavit is a copy of his investigation dated November 27, 2011. The conclusion stated that the Plaintiff’s behavior as described in the report constituted non-academic

misconduct with the recommendation that the complaint be proceeded with as soon as possible.

6. On or about December 15, 2011, I wrote to the Plaintiff summarizing the specifics of the complaints against him and inviting him to “review the matter and determine whether the facts as disclosed by the complainant are in dispute”. Attached as **Exhibit “D”** to my Affidavit is a copy of said letter.

7. On or about January 10, 2012, I received a further complaint concerning the Plaintiff’s conduct in class.

8. On or about January 11, 2012, I met with the Plaintiff relating to unacceptable behavior in his classes, including complaints on the part of instructors and students over his aggressive behavior.

9. The meeting was followed up on the same day with a letter from me to the Plaintiff, indicating among other things that:

(a) his suggestion to attend class accompanied by a security guard was not appropriate.

(b) the University's decision was that he was not to attend classes.

(c) the Plaintiff was again invited to meet with me to respond to the complaints.

Attached as **Exhibit "E"** to my Affidavit is a copy of my letter to the Plaintiff dated January 11, 2012.

10. The Plaintiff declined to meet with me.

11. On or about January 20, 2012, I completed my report which was submitted to the President and Vice President of the University, the heads of the Faculty of Education and to the Plaintiff. Attached as **Exhibit "F"** to my Affidavit is a copy of said report.

12. I had concluded that the Plaintiff was repeatedly disruptive in class, and I recommended to the President that the Plaintiff be suspended from the Faculty of Education program and barred from the campus. I informed the Plaintiff that he could appeal the decision pursuant to the Policy.

13. On or about January 23, 2012, the Plaintiff was formally advised in writing by the President of the University that the Plaintiff was suspended immediately from the University under Section II (1) of the Policy which states:

Disorderly Conduct: *threats and/or physical abuse which threatens or endangers 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 which seriously disrupts the lawful educational and related activities of the university community,*

and under Section II (6) which states:

Patterns of Inappropriate Behaviour: *which, cumulatively, promote in others the apprehension of a threat to their health, freedom or safety.*

Attached as **Exhibit "G"** to my Affidavit is a copy of said letter of suspension dated January 23, 2012.

14. The letter went on to state that the Plaintiff:

(a) was suspended for a minimum period of one year;

(b) was barred from the University property; and,

(c) if he wished to appeal his suspension, was to contact the Office of the Corporate Secretary.

15. On or about February 8, 2012, the Plaintiff appealed his suspension, among other things, in writing. Attached as **Exhibit “H”** is said Notice of Appeal.

16. The Plaintiff’s Notice of Appeal was acknowledged by way of a letter from the Chair of the Board dated February 13, 2012. Attached as **Exhibit “I”** to my Affidavit is a copy of a letter acknowledging receipt.

17. On or about February 21, 2012, the Plaintiff was advised in writing by way of a letter from the Chair of the Board as to the composition of the Student Discipline Appeals Committee (“Committee”) set up under the Policy to hear the Plaintiff’s appeal. Attached as **Exhibit “J”** to my Affidavit is a copy of said letter.


18. Attached as **Exhibit “K”** to my Affidavit is a copy of a letter from the Chair of the Board dated February 24, 2012 advising the Plaintiff of an additional member having been appointed to the Committee.

19. On or about March 23, 2012, the appeal by the Plaintiff was heard, at which time the Plaintiff made representations to the Committee.

20. On or about March 27, 2012, the Committee dismissed the appeal and advised the Plaintiff by way of a letter of same date, a copy of which is attached as **Exhibit "L"** to my Affidavit.

21. I make this Affidavit bona fide and in support of the Summary Judgment Application brought on behalf of the Defendants University of Winnipeg, Deb Woloshyn, Anchan and Wally Stewart.

SWORN before me at the City)
of Winnipeg, in the Province)
of Manitoba, this 8th day)
of January, 2013.)

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A Notary Public in and for the
Province of Manitoba


COLIN RUSSELL

File No. CI 12-01-79879

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Winnipeg Centre

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AFFIDAVIT OF COLIN RUSSELL
SWORN JANUARY 8th 2013

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