

University of Ottawa

Student Code of Non-Academic Conduct

A. PREFACE

The University of Ottawa is a large community of faculty, staff and students involved in teaching, research, learning and other activities. The University seeks to help its students expand their knowledge, enrich their culture, boost their creativity, enhance their ability to question and analyze, and take full advantage of university life to become well-rounded, responsible citizens and leaders of our society. In order to maintain and foster such an environment, all members of the University community are responsible for ensuring that their conduct does not jeopardize the good order and functioning of the programs and activities of the University, nor endanger the health, safety, rights or property of the University, its members or visitors.

Students are members of the University for the period of their registration in an academic program and are subject to the disciplinary authority of the University during that time. Upon registration at the University, students assume the responsibilities that such registration entails.

The purpose of this Student Code of Non-Academic Conduct ("Code") is to provide transparency and consistency in expectations for non-academic conduct, as well as set out the means to address and remedy any misconduct. This Code does not replace existing codes of conduct, for instance the University's Housing Services Code of Conduct, the Policy on Sexual Harassment, or other policies and procedures that address issues relating to academic conduct.

B. DEFINITIONS

1. In this Code,

- a. "Appropriate Authority" means,
 - i. the appropriate Dean, or his or her delegate, if the respondent is an undergraduate student;
 - ii. the Dean of the Faculty of Graduate and Postdoctoral Studies, or his or her delegate, if the respondent is a graduate student;
 - iii. the Dean of the Faculty of Medicine, or his or her delegate, if the respondent is a postgraduate trainee in medicine; or
 - iv. The Vice-President, Academic, or his or her delegate, if the respondent is a special student taking courses without seeking a degree or is an individual enrolled in a continuing education course or program.
- b. "knowingly" as it is used in those articles of the Code describing offences, distinguishes acts in which there is an intent from those that can be shown to be accidental or inadvertent.
- c. "Student" means any person,

- (i) engaged in any academic work which leads to the recording and/or issue of a mark, grade or statement of performance by the appropriate authority in the University or another institution; and/or
- (ii) associated with or registered as a participant in any course or program of study, with or without credit, offered by or through a faculty, school, centre, institute or other academic unit or division of the University; and/or
- (iii) entitled to a valid student card who is between sessions but is entitled because of student status to use University facilities; and/or
- (iv) who is a post-doctoral fellow.

- d. "University" means the University of Ottawa.
- e. "University premises" includes lands, grounds, buildings, rooms, residences, or offices of the University, or other places or facilities used for the provision of the University's programs or services or for University-approved events and activities. Facilities include but are not limited to the following: parking lots, athletic fields and campus areas.
- f. "weapon" means any thing used, designed to be used or intended for use:
 - i. in causing death or injury to any person, or
 - ii. for the purpose of threatening or intimidating any person.

C. STUDENT RESPONSIBILITIES

2. Membership in the University community implies acceptance by every student of the principle of mutual respect for the rights, responsibilities, dignity and well-being of others and a readiness to support an environment conducive to the intellectual and personal growth of all who study, work and live within it.

3. Upon registration at the University, students assume the responsibilities that such registration entails. The privileges granted to each student are conditional upon the fulfillment of these responsibilities and students must familiarise themselves with the University regulations, including this Code, and the conduct expected of them while studying at the University.

4. As part of the University, students are obligated to abide by the Code set out herewith. The University may enact regulations subsequent to the coming into force of this Code which refer to this Code and incorporate all or part of the Code by reference to it.

D. JURISDICTION

5. For the purposes of disciplinary review of a student's conduct, it is sufficient to have been a student at the time of the alleged offence.

6. If, prior to the initiation of any proceedings under this Code the student has graduated, disciplinary review may continue only if the student registers again for a new program or if the alleged offence, if proved, would impugn the validity of the degree conferred.

E. APPLICATION OF CODE

7. No action shall be taken against a student under this Code unless his or her conduct falls within one or more of the offences enumerated in the Code or amounts to a failure to comply with orders issued under this Code. This will not be construed as limiting powers of action over students under other regulations of the University.

8. Unless otherwise stated, a student will only be liable for conduct that she or he knew or ought reasonably to have known would constitute conduct prohibited under this Code.

9. Subject to sections 17 and 18, nothing in this Code shall be construed to prohibit peaceful assemblies and demonstrations, or lawful picketing, or to inhibit freedom of speech.

F. AIDING IN THE COMMISSION OF AN OFFENCE

10. No student shall encourage or aid another student in the commission of an offence defined in this Code.

11. No student shall encourage or aid behaviour by a non-student which, if committed by a student, would be an offence under this Code.

G. OFFENCES

Offences Against property

12. Stolen Property

No student, knowing the property to have been stolen, shall possess University property or possess on University premises any property stolen from any other member of the University community.

13. Misuse of Library or Computer Resources

(a) No student shall knowingly remove books or any other library material, whether in print or electronic format, from a University library without proper authorization, mutilate or deface library books or material, purposely misplace them or in any other way purposely deprive other members of the University of the opportunity to have access to library resources, or knowingly behave in a way that interferes with the proper functioning and use of the library.

(b) No student shall knowingly use any University computer without proper authorization or knowingly misuse passwords, codewords or similar means of access to computers, or knowingly use the facilities in a manner which would interfere with the access or integrity

of the accounts of other users, or knowingly violate any University policies, regulations or codes of conduct relating to computing resources.

14. Misuse of University Supplies or Documents

No student shall forge or, without authority, knowingly alter, use, receive, or possess University supplies.

15. Theft, Damage and Destruction of Property

- (a) No student shall knowingly take, destroy or otherwise damage University property, nor shall any student knowingly take, destroy or otherwise damage any property not his or her own on University property.
- (b) No student, in any manner whatsoever, shall knowingly deface the inside or outside of any building of the University, nor deface any statues or similar property of the University.
- (c) No student shall create a condition that endangers or threatens destruction of the property of the University or any of its members.

16. Unauthorized Entry and/or Presence

No student shall enter or remain in any University premises, without just cause, contrary to express instructions or with the intent to damage, destroy or steal University property.

Offences against Persons and Dangerous Activity

17. Abuse, Harassment, Discrimination and Dangerous Activity

No student shall on University premises, or in a University context:

- (a) Assault another person, including sexual assault, threaten any other person with bodily harm or damage to such person's property or knowingly, and without just cause, cause any person to fear bodily harm or fear damage to his or her property;
- (b) Knowingly create a condition which unnecessarily endangers or threatens the health, safety or well-being of other persons or threatens the damage or destruction of property or the reputation of the University;
- (c) Use written or spoken words, either individually or in a group setting, in connection with demonstrating, rallying or picketing, which, in the opinion of the University may (i) lead to or incite violence or physical harm directed towards any individual or group; (ii) create a situation that endangers the safety of others or (iii) incite others to violate this Code;
- (d) Sexually harass another member of the University community. (See Policy 67a on sexual harassment at the University of Ottawa);

- (e) Verbally abuse any other person;
- (f) Undertake hazing or any other form of inappropriate student initiation activity;
- (g) Engage in unwelcome or persistent conduct that the student knows, or ought reasonably to know, would cause another person to feel demeaned, intimidated or harassed.

Examples of such conduct include, but are not limited to:

1. following another person, or anyone known to that person;
2. unwanted communication with another person, or anyone known to that person;
3. fliming, photographing or recording through any other means, of a person without his or her consent;
4. watching the residence or place of work of another person or anyone known to that person;
5. threatening another person or any member of the family, friends or colleagues of the other person;
6. coercing, enticing or inciting a person to commit an act that is humiliating or demeaning to that other person or to others.

- (h) Engage in any form of discrimination as defined in the Ontario *Human Rights Code*.

18. Disruption

No student shall, by action, threat or otherwise, disrupt, obstruct or adversely affect any activity organized by the University or by any of its faculties, schools or departments, or the right of other persons to carry on their legitimate activities, to speak or associate with others. No student shall engage in vulgar, indecent, or obscene conduct on University premises.

19. Unauthorized Possession of a Firearm or Weapon

No student shall possess a firearm or other weapon on the University premises.

20. Alcohol and Drugs

- (a) No Student shall cause disturbance to others on University premises due to alcohol consumption, supply alcoholic beverages to any person under 19 years of age, be in possession of or consume alcoholic beverages while under the age of 19 years, consume alcohol in unauthorized areas of the University or sell, barter or trade of alcohol.
- (b) No student shall use, possess, sell or distribute a narcotic or other controlled or prohibited substances on University premises.

Other Offences

21. Camping and sleeping on University premises

No Student shall, without proper authorization, sleep, camp or construct shelters on University premises.

22. Relationship with Law and Authority

- (a) Any offence described in federal, provincial or municipal laws or regulations which occurs in the University context and is not specifically described by another article in this Code is to be considered an offence under this Code. Disciplinary proceedings taken against a student under this article must specifically describe the offence with which the student is charged and the description of this offence in the law.
- (b) Nothing in this Code shall prevent the University from referring an individual matter to the normal civil authorities either before, during or after action is taken under the Code, should such a referral be considered necessary.

H. SANCTIONS

Violation of Code

23. In each case in which the Hearing Committee determines that a student has violated the Code, the sanction(s) shall be determined and imposed by the Hearing Committee.

Range of Sanctions

24. The following sanctions may be imposed upon any student found to have violated the Code:

- (a) **Written Warning** - a notice in writing to the student that the student is violating or has violated institutional regulations.
- (b) **Probation** - A written reprimand for violation of specified regulations. Probation is for a designated period of time and includes the probability of more severe disciplinary sanctions if the student is found to be violating any institutional regulation(s) during the probationary period.
- (c) **Loss of Privileges** -- Denial of specified privileges for a designated period of time.
- (d) **Restitution** - Compensation for loss, damage or injury. This may take the form of appropriate service and/or monetary loss or material replacement.
- (e) **Revocation** - Revocation of University awards or financial assistance.
- (f) **Discretionary Sanctions** - Work assignments, service to the University or other such discretionary assignments that are considered appropriate by the Hearing Committee.
- (g) **Conditions** - Conditions may be imposed upon a student's continued attendance at the University.

(h) **University Suspension** - Suspension of the student from the University for a specified period of time, after which the student is eligible to return. Conditions for readmission may be specified.

(i) **University Expulsion** - Permanent separation of the student from the University.

Imposition of Sanctions

25. More than one of the sanctions listed above may be imposed for any single violation of this Code. The Hearing Committee may direct that a sanction be held in abeyance if a student's registration at the University is interrupted for any reason.

Academic Record

26. Other than expulsion from the University and suspension for the duration of its effect, disciplinary sanctions shall not be made part of the student's academic record, but shall be kept on file in the Office of the Secretary of the University, with a copy to Protection Services, for use in the event of further breaches of this Code. The Office of the Registrar will also be advised in the event of an expulsion or suspension from the University.

Additional Sanctions for Non-Compliance

27. No student found guilty of an offence under this Code shall refuse to comply with a sanction or sanctions imposed under the procedures of this Code. Such refusal will constitute grounds for the imposition of additional sanctions.

Interim Suspension

28.(a) The President of the University, or a designate, may impose an interim suspension of the student from the University prior to the hearing before the Hearing Committee:

- i. to ensure the safety and well being of members of the University community or preservation of University property;
- ii. to ensure the student's own physical or emotional safety and well-being; or
- iii. if the student poses a threat of disruption or of interference with the operations of the University or the activities of its members.

(b) During the interim suspension, students may be denied access to specified University premises and/or any other University activities or privileges for which the student might otherwise be eligible, as the President or the designate may determine to be appropriate. Protection Services will be advised of all interim suspensions.

I. HEARING PROCESS

Informal Measures

29. (a) Wherever possible and appropriate, reason and informal measures shall be used to resolve issues of individual behaviour before resort is made to the formal disciplinary procedures.

- (b) Any violation, perceived violation or complaint under this Code is to be presented to the Appropriate Authority within one (1) year after the event takes place. The Appropriate Authority may, within ten (10) working days after receiving the notice of violation or complaint, conduct an investigation to determine if the complaint has merit and whether it may be resolved informally by mutual consent of the parties involved. Where the Appropriate Authority determines that the complaint may be resolved informally, meetings will be convened, within ten (10) working days, with the parties involved during which meeting the parties will have an opportunity to make representations and attempts will be made at finding a solution acceptable to the parties and on a basis acceptable to the Appropriate Authority.
- (c) If an informal resolution is attained, the matter shall be final and there shall be no subsequent proceedings. A record of the informal resolution arrangement shall be kept in the Appropriate Authority's office.

Hearing Committee

- 30.(a) If the matter is not resolved through informal measures within ten (10) working days of the meeting being convened between the parties as provided in subsection 29(b), or if the violation is not appropriate for informal resolution, the Appropriate Authority will refer the matter to the Hearing Committee.
- (b) The Hearing Committee will not make a finding of misconduct nor impose a sanction or sanctions against a student unless the student has been informed, in writing, of the nature of the complaint, the facts alleged against him or her, and has been given reasonable opportunity to respond to them, and to submit evidence. The student, who may be accompanied by his or her representative, shall also be given a reasonable opportunity to meet personally with the Hearing Committee to discuss the matter. It is the responsibility of the student to provide all materials that will support his or her position and to produce his or her own witnesses and/or formal witness statements.

Procedures and Composition of the Hearing Committee

31. The University shall, through its Administrative Committee, establish the composition of the Hearing Committee and the procedures for conducting investigations under this Code.

Appeal

32. A student may appeal a Hearing Committee's finding of misconduct to the Appeal Committee on one or more of the following grounds:

1. that there was a serious procedural error in the hearing of the complaint by the Hearing Committee which was prejudicial to the appellant; or
2. that new evidence, not available at the time of the earlier decision, has been discovered, which casts doubt on the correctness of the decision.

Appeal Process

33. (a) An appeal application must be filed in writing with the Secretary of the University within two (2) weeks after a decision has been issued by the Hearing Committee. The application must contain a copy of the decision, the grounds for the appeal, the outcome sought, a full statement supporting the grounds for the appeal, the name of the student's representative, if any, and any relevant documentation in support of the appeal. Where the basis of the appeal is new evidence, such new evidence shall be described clearly and the names of any witnesses shall be provided.
- (b) As soon as an appeal is received, a copy of all the documentation provided to the Hearing Committee will be sent to the Appeal Committee.
- (c) The Appeal Committee will then set a meeting date to consider the appeal.
- (d) The Appeal Committee will generally reach a decision at the meeting. However, in certain circumstances, the Appeal Committee may request further information from the appellant or any other person involved in the incident before making its decision. In such cases, the decision may be deferred to another meeting.
- (e) Decisions of the Appeal Committee are final and cannot be further appealed.

Procedures and Composition of the Appeal Committee

34. The University shall, through its Administrative Committee, establish the composition of the Appeal Committee and the procedures for hearing appeals under this Code.