

POLICY ON NON-ACADEMIC MISCONDUCT

1. Preamble

The University of Guelph's core value is the pursuit of truth. It is animated by a spirit of free and open enquiry, collaboration, and mutual respect. It asserts the fundamental equality of all human beings and is committed to creating for all members of its community, an environment that is hospitable, safe, supportive, equitable, pleasurable, and above all, intellectually challenging (University of Guelph Act, 1964). It is expected that all members of the University community will support and enrich these values by interacting with each other in a manner that is respectful, civil and consistent with the following responsibilities. Failure to abide by these responsibilities, or assisting or conspiring with another individual to act contrary to these responsibilities may result in penalties. The University is committed to the principles of freedom of expression. The University's Policy Statement on Freedom of Expression (<https://www.uoguelph.ca/secretariat/policy/1.2/>) sets out freedom of expression in the context of a society where laws exist, values collide and interests compete. <https://www.uoguelph.ca/secretariat/office-services/student-judicial-services/non-academic-misconduct/policy-non-academic-misconduct> (<https://www.uoguelph.ca/secretariat/office-services/student-judicial-services/non-academic-misconduct/policy-non-academic-misconduct/>)

2. Purpose

The University of Guelph is an environment that develops the person, scholar & citizen. This Policy sets out the University's expectations regarding student conduct as members of the University of Guelph community.

3. Jurisdiction/Scope

1. In this Policy, a "student" is any person registered in a diploma, undergraduate or graduate program at the University of Guelph or otherwise taking credit or non-credit courses offered by the University of Guelph, or any person who was a student at the time the alleged breach occurred. "Campus" means the physical grounds of either the University's main campus or the Ridgetown campus. This Policy does not apply to students registered at University of Guelph-Humber programs and attending Humber College.
2. Except as noted in sections 3 to 6 this Policy applies to all student non-academic behaviour on campus and to students who are engaged in University programs off campus. Allegations regarding other off campus conduct, including online conduct, may be brought forward under this Policy if the violation in question materially affects the safety, integrity or educational interests of the University community or as provided under the Community Standards Protocol (<https://www.uoguelph.ca/studentexperience/information/community-standards/>).
3. Alleged breaches of this Policy which arise within University residences may in the discretion of Student Housing Services, proceed under the Residence Community Living Standards. (<http://housing.uoguelph.ca/RCLS/>)
4. Alleged breaches of this Policy which arise at the Ridgetown campus will be subject to the process and procedures specific to that campus.

5. Alleged breaches of this Policy committed by students who are identified as Students-At-Risk by the Student At-Risk Team ("SART") may at the discretion of the SART team, proceed under the Protocol for Responding to Students At-Risk (<https://www.uoguelph.ca/studentaffairs/protocol-responding-students-risk/>).
6. Alleged incidents of sexual violence, as defined in the Sexual Violence Policy (<https://www.uoguelph.ca/secretariat/policy/1.4/>), will proceed under the Sexual Violence Policy and the Sexual Violence Policy – Procedures Document for Students (<https://www.uoguelph.ca/secretariat/policy/1.4/procedure/students/>).
7. Student conduct within the academic environment such as the classroom or labs is within the scope of this policy, so long as the conduct falls within sections 1 to 4.

4. Policy

1. Diversity

Students have a responsibility to help create and uphold an environment that respects the diversity and differences of members of our campus, and allows all members to be treated with dignity, worth and respect. An example of this type of responsibility is the requirement to abide by the University's commitment to the Ontario Human Rights Code (<https://www.ontario.ca/laws/statute/90h19/>) and the Human Rights at the University of Guelph Policy (<https://www.uoguelph.ca/diversity-human-rights/human-rights/human-rights-university-guelph-policy-procedures/>) including but not limited to refraining from engaging in activities that express intolerance on grounds prohibited by the Human Rights at the University of Guelph Policy.

2. Integrity

Students have a responsibility to help maintain the integrity of the University as a community for learning. Students have a responsibility to abide by all Federal, Provincial and Municipal laws and University policies including but not limited to:

- a. Drugs and Drug Paraphernalia – to not possess, use, supply or traffic illegal drugs, drug paraphernalia or controlled substances.
- b. Alcohol - to not possess, purchase, or use liquor while under the age of 19. The sale or provision of alcohol to anyone under the age of 19 is prohibited. Consumption or open possession of liquor is prohibited on campus other than in those areas where it has been specifically permitted.
- c. Cannabis – to not possess, purchase, or consume while under the age of 19. Provision to those under the age of 19 is prohibited. The sale of cannabis is prohibited. The smoking of cannabis on campus is prohibited under the University's Tobacco and Smoke-Free (<https://www.uoguelph.ca/smokefree/policy/>) policy.
- d. Smoking - to abide by the University's Tobacco and Smoke-Free (<https://www.uoguelph.ca/smokefree/policy/>) policy, which includes not smoking tobacco or cannabis or using an electronic cigarette or other similar device while on the University of Guelph Campus. Smudging is permitted in accordance with the University's Smudging Procedure.
- e. Information Technology (IT) - to use computer login codes or passwords and University IT resources (e.g., computing account or workstation) in accordance with the University's Acceptable Use Policy (<https://www.uoguelph.ca/ccs/infosec/aup/>).
- f. Permits and Identification - to not acquire, use, loan or disseminate University or government identification, express plans, building access cards, bus passes or parking permits that are stolen, borrowed, cancelled, lost, false, altered or expired. To

not loan any of your identification to others nor alter or produce fake identification.

- g. Cooperation – to abide by the written directions or instructions of Campus Community Police when acting within the scope of their authority. To abide by any non-monetary penalties imposed by the University under this Policy, the Sexual Violence Policy (<https://www.uoguelph.ca/secretariat/policy/1.4/>) or the Human Rights Policy (<https://www.uoguelph.ca/diversity-human-rights/human-rights/human-rights-university-guelph-policy-procedures/>), as well as any interim measures.

3. Learning

Students have a responsibility to help support community members' access to the tools they need to engage in their learning and development, both in and outside of the classroom. An example of this type of responsibility is the requirement to abide by the following:

- a. Access to University Property - to respect posted hours and limits on entry where such conditions exist.
- b. Property - to not destroy, tamper with, deface or vandalize, monopolize, unlawfully access, remove, obtain through fraudulent means, or possess property not your own, including but not limited to property of the University and personal property.
- c. Disruption - to not interfere with the normal functioning of the University, nor to intimidate, interfere with, threaten or otherwise obstruct any activity organized by the University, including classes, or to hinder other members of the University community from being able to carry on their legitimate activities, including their ability to speak or associate with others.

4. Safety

Students have a responsibility to support an environment that enables all members of the University Community, including students, faculty, staff, visitors and guests. to be safe and free from harm. An example of this type of responsibility is the requirement to abide by the following:

- a. Harassment - to treat all members of the University community with respect and without harassment. Harassment is defined as any attention or conduct (oral, written, virtual, graphic or physical) by an individual or group who knows, or ought reasonably to know, that such attention or conduct is unwelcome/unwanted, offensive or intimidating. Examples include but are not limited to bullying, and hazing. Hazing is further defined in the University's Anti-Hazing Protocol (<https://www.uoguelph.ca/studentaffairs/anti-hazing-protocol/>).
- b. Bodily Harm - to not engage in activities that are likely to endanger the health or safety of yourself or another person, or to assault or threaten to assault another person or to knowingly cause another person to fear bodily harm.
- c. Firearms and Other Weapons - to not possess or bring onto campus any firearms, weapons, or replicas (examples include but not limited to: BB guns, slingshots, paintball guns, firecrackers, gunpowder or any other forms of unauthorized hazardous materials). Students are not allowed to use any objects to injure, threaten or intimidate a person.
- d. Fire and Life Safety Equipment - to not tamper or interfere with, discharge or activate any life safety or fire equipment on campus unless for the purposes of responding to an emergency. Life safety equipment includes but is not limited to defibrillators, fire extinguishers, fire alarms and emergency phones.

- e. Guests - to take reasonable steps to ensure their guests comply with this Policy. Students may be held responsible for any breach of the rules committed by their guests on campus.

5. Interim Suspension

If a student has been charged with a breach under this Policy and a student's conduct raises a reasonable apprehension of harm to the student or to others at the University, or the normal functioning of the University, the President or designate may, in his or her discretion, implement an interim suspension order. A Judicial Hearing will be undertaken as soon as possible and, barring extenuating circumstances, no longer than fourteen working days from the laying of the charge.

6. Penalties

- a. Upon a finding of a breach of the Non-Academic Misconduct Policy, the Judicial Committee may impose one or more of the following penalties:
 - b. Warning - A warning makes clear that the misbehavior must not be repeated and identifies the consequences of a repeat breach.
 - c. Non-academic Probation - The Committee may place a student on non-academic probation for such period of time as the Committee deems appropriate. A student who has been placed on non-academic probation will normally, on a subsequent breach of the Policy, pay any conditional fine given by the Committee. When a student is found responsible for a subsequent breach of the Policy, the Committee may also impose additional penalties, in addition to the payment of a Conditional Fine. In keeping with the principle of progressive discipline, the penalties for a subsequent breach of the Policy may be more significant than when a student is found responsible for a first offence, including potentially recommending the penalty of suspension or expulsion.
 - d. Forbid Entry to Certain Premises - The Committee may forbid entry to any building or buildings, or areas of the University's premises, for a period of time deemed appropriate. Students who have been forbidden entry to certain premises shall be the subject of a Trespass Order issued by Campus Police.
 - e. Removal of Objects - The Committee may order a student to remove objects from the University's premises or any part thereof, for such period of time as it deems appropriate.
 - f. Restrictions on Computing Privileges - The Committee may make recommendations to the University's CIO or designate as to appropriate restrictions on a student's University computing privileges, as well as the period of time such restrictions should be in force.
 - g. Restitution - The Committee may order the student to pay the cost(s) or any portion of the cost(s), of any damages to University property or private property destroyed in whole or in part by the student.
 - h. Fine - The Committee may order the student to pay a fine of any amount, up to a maximum amount of \$1000 per breach.
 - i. Conditional Fine - The Committee may order a conditional fine of any amount, up to a maximum amount of \$1000 per breach. A conditional fine is to be paid only in the event that the student is found guilty of a subsequent breach during the probationary period.
 - j. Community Service or Educational Program - The Committee may order the student to engage in a community or educational program. The program may include but is not limited to a letter of apology, completion of a specified number of hours of community service, a review of one of the University policies with the appropriate office and/or participation in an educational program.

Students who do not complete the program by the established deadline will be required to pay another fine of \$100.

- k. Restricted Access - The Committee may recommend to the Vice-Provost Student Affairs that the student be restricted from any academic, athletic, social or other activity conducted on the University's premises for a period of time.
- l. Suspension or Expulsion - The Committee may recommend to the President that a student be suspended or expelled from the University.

7. Process – Main Campus

- a. Students who do not comply with these responsibilities may be charged with a breach of this Policy in two ways:
 - i. a Notice of Offence issued by Campus Community Police, or
 - ii. a complaint laid by an individual or by the University.
- b. Charges may be held for students who cease to be registered and may be re-activated at such time as the student re-registers.
- c. The hearing process under this Policy is carried out by the Judicial Committee based on the principles of fairness, participation and expediency.
- d. The Judicial Committee has authority to issue orders and penalties as described under Policy 4 section 6. If a student has been found guilty of previous breaches of this Policy or the Residence Community Living Standards (<http://housing.uoguelph.ca/RCLS/>), that information is made available to the Judicial Committee for penalty consideration.

8. Information on the Judicial Process

Information on the Judicial process may be obtained from the Judicial website (<https://www.uoguelph.ca/secretariat/office-services/student-judicial-services/>), via email judicial@uoguelph.ca, or by calling the Judicial Officer 519-824-4120 ext. 54247. Students at the Ridgeway campus should contact the Director's Office. For information on penalties, please review the Offences That Are Set Fine Eligible and the Guidelines for Common Non-Academic Misconduct Outcomes.

9. Periodic Review Process

This Policy will be reviewed no less frequently than every five years by the Student Rights & Responsibilities Committee. Comments and specific suggestions for amendments or additions to the Policy are welcome at any time and should be referred to the Office of Student Affairs at: st_affs@uoguelph.ca.

- Offences That Are Set Fine Eligible (<https://www.uoguelph.ca/secretariat/policy/1.6/procedure/set-fine/>)
- Guidelines for Common Non-Academic Misconduct Outcomes (<https://www.uoguelph.ca/secretariat/policy/1.6/procedure/guidelines/>)

2. Other Related Policies, Procedures and Documents

- Residence Community Living Standards (<http://housing.uoguelph.ca/RCLS/>)
- Athletics Code of Conduct (https://gryphons.ca/documents/2016/6/7/CODE_OF_CONDUCT.pdf?ismobile=true&mobile=skip)
- Community Standards Protocol (<https://www.uoguelph.ca/studentexperience/information/community-standards/>)
- Anti-Hazing Protocol (<https://www.uoguelph.ca/studentaffairs/anti-hazing-protocol/>)
- Protocol for Responding to Students at Risk (<https://www.uoguelph.ca/studentaffairs/protocol-responding-students-risk/>)
- University of Guelph Human Rights Policy and Procedures (<https://www.uoguelph.ca/diversity-human-rights/human-rights/human-rights-university-guelph-policy-procedures/>)
- University of Guelph Sexual Violence Policy and Procedures (<https://www.uoguelph.ca/secretariat/policy/1.4/>)
- Policy Statement on Freedom of Expression (<https://www.uoguelph.ca/secretariat/policy/1.2/>)
- Tobacco and Smoke Free Policy (https://www.uoguelph.ca/smokefree/system/files/Tobacco-%20and%20Smoke-Free%20Policy%20%28Guelph%20Campus%29_0.pdf)

5. Related Policies, Procedures & Documents

1. Procedures and Guidelines under the Policy on Non-Academic Misconduct

- Judicial Committee Terms of Reference (<https://www.uoguelph.ca/secretariat/policy/1.6/procedure/judicial-tor/>)
- Judicial Committee Rules of Procedure (<https://www.uoguelph.ca/secretariat/policy/1.6/procedure/judicial-rules/>)
- Appeals Committee Terms of Reference (<https://www.uoguelph.ca/secretariat/policy/1.6/procedure/appeals-tor/>)
- Appeals Committee Rules of Procedure (<https://www.uoguelph.ca/secretariat/policy/1.6/procedure/appeals-rules/>)
- Appeals Committee Rules of Procedure – Appeals under the Sexual Violence Procedures Document – Students (Forthcoming)