**Discussion document**

**Framework for a proposed policy on student rights and responsibilities**

**September 2021**

**Purpose of the proposed policy:**

The University of Ottawa is a large community of faculty, staff and students involved in teaching, research, learning and other activities. The University is an institution of higher education that aspires to academic excellence and seeks to provide a rich and stimulating environment for all its students. 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.

The University believes in the importance of maintaining a respectful, healthy and safe environment so as to protect the learning, teaching and working environment for all its community members. 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.

The University and its students have a shared responsibility to do their utmost to maintain a climate of freedom, respect and fairness that embodies the principles of equity, diversity and inclusion.

The purposes of this Policy are to:

a) serve to promote and a means to maintain a respectful, healthy and safe University learning, living and work environment;

b) assist as a learning tool to help promote students’ personal growth and development;

c) affirm student rights expressed in University policies;

d) inform students about their responsibilities as members of the University community;

e) define misconduct;

f) protect students impacted by the misconduct of other students; and

g) provide a process to identify, address and prevent misconduct.

**Proposed list of rights:**

All students have the following rights,

a) to be treated with respect and dignity and according to the norms of fairness and ethical behaviour;

b) to receive proper recognition to any reliance on their ideas, academic work or assistance in accordance with applicable University policies and/or procedures and/or collective agreements;

c) to be protected in case of student misconduct

d) to bring forward a concern to the University without fear of reprisal for having voiced their concern;

e) to be treated fairly if they become the subject of a misconduct case under this Policy; and

f) the rights as those rights expressed in the University’s [Academic Regulations](https://www.uottawa.ca/administration-and-governance/policies-and-regulations) and the processes described in the University’s Academic Regulations to exercise such rights, including those rights associated with the following:

i) [seeing the documents used to establish their grade](https://www.uottawa.ca/administration-and-governance/academic-regulation-10-grading-system) (including those produced by the student and evaluations written by supervisors (as part of work terms, clinical placements or internships);

ii) [the student asking for a grade review and to appeal grades](https://www.uottawa.ca/administration-and-governance/academic-regulation-10-grading-system);

iii) [academic accommodations](https://www.uottawa.ca/administration-and-governance/administration-and-governance/academic-regulation-i-16-academic-accommodations),

iv) [academic accommodations for religious observances by students](https://www.uottawa.ca/administration-and-governance/academic-regulation-15-religious-accommodations);

v) the [student’s ownership of the copyright in the student’s thesis](https://www.uottawa.ca/administration-and-governance/academic-regulation-II-7-theses)

g) the rights as those expressed in other University policies and/or procedures.

**Rights expressed in other University policies and/or procedures**

The provisions of the relevant University policy and/or procedure takes precedence if there is a discrepancy between the table below and the relevant University policy and /or procedure:

| **Policy area** | **General description of student rights**  | **University policy and/procedures** |
| --- | --- | --- |
| Bilingualism and official languages | The right to,* use French or English to communicate with the University;
* require that a course be given in the language used to describe the course in the course calendar;
* produce their written work to answer examination questions in the official language of their choice (except in program and courses for which language is a requirement)
 | [Regulation on Bilingualism](https://www.uottawa.ca/administration-and-governance/policies-and-regulations/bilingualism)If students believe their rights associated with bilingualism or official languages have not been respected, students can raise their concerns with the administration of the academic unit or University service concerned or with the [Standing Committee on Francophone Affairs and Official Languages](https://www.uottawa.ca/administration-and-governance/senate/committees/standing-committee-on-francophone-affairs-and-official-languages/comments-and-suggestions-language-services-you-receive)  |
| Harassment and discrimination | The right to a learning and work environment that promotes the understanding and respect for dignity of the person as part of the University community and one that is free of harassment and discrimination  | [Policy 67a Prevention of Harassment and Discrimination](https://www.uottawa.ca/administration-and-governance/policy-67a-prevention-of-harassment-and-discrimination)If students believe their rights associated with a learning and work environment free of harassment and discrimination have not been respected, students can raise their concerns with the University’s Human Rights Office and can use the process outlined in [University Procedure 36-1 Complaints of Harassment /Discrimination initiated by students](https://www.uottawa.ca/administration-and-governance/procedure-36-1-complaints-harassmentdiscrimination-initiated-students) |
| Sexual violence | The right to study and work in an environment free of sexual violence and to a survivor-centered approach to addressing issues of sexual violence | [Policy 67 b) Prevention of Sexual Violence](https://www.uottawa.ca/administration-and-governance/policy-67b-prevention-sexual-violence)If students believe their rights have not been respected, students can raise their concerns in accordance with the disclosure mechanisms and formal complaint process set out in [Policy 67 b) Prevention of Sexual Violence](https://www.uottawa.ca/administration-and-governance/policy-67b-prevention-sexual-violence) |
| Health and safety | The right to a healthy and safe work and study environmentGenerally, students are not considered workers under occupational health and safety laws; however, the University applies the principles of health and safety laws to students. | [Policy 77 Occupational Health and Safety Policy](https://www.uottawa.ca/administration-and-governance/policy-77-occupational-health-and-safety)If a student believes their rights within a university workplace have not been respected, students can raise their concerns with the administration of the academic unit and can report potential or actual hazard, accident or injury in accordance with the reporting mechanisms and processes outlined in [Procedure 14-1 Internal Responsibility Procedure for Health and Safety Issues](https://www.uottawa.ca/administration-and-governance/procedure-14-1-internal-responsibility-procedure-health-and-safety-issues)and if there is an immediate threat to life, safety, to the University’s Protection Services.If the student has concerns about the way they are treated by Protection Services uniformed officers, they can raise it through the [complaint mechanism established by Protection Services](https://www.uottawa.ca/protection/en/about/how-to-reach-us) |
| Free expression | The right to express their views freely | [Policy 121 Statement on Free Expression](https://www.uottawa.ca/administration-and-governance/policy-121-statement-free-expression)If students believe their rights on free expression have not been respected, students can raise their concerns with the administration of the academic unit or University service concerned or if necessary, raise it with the Office of The provost and Vice-President, Academic Affairs who is responsible for Policy on Free Expression |
| Accessibility | The right of students with disability to an accessible barrier-free working, teaching and learning environment and to be treated in a way that allows them to maintain their dignity and independence | [Policy 119 – Accessibility](https://www.uottawa.ca/administration-and-governance/policy-119-accessibility)If a student with disability believes their accessibility rights have not been respected, students can raise their concerns with the University’s Human Rights Office through the processes established by it |
| Student personal information | The right to the protection of the confidentiality of the student record and the student’s personal information contained in it and to the use of the student’s personal information for the purposes of and those consistent with the purposes for which it was collectedThe right to inspect the information contained in the student’s own student record and to request that information in their record be corrected | [Policy 14a Student Record](https://www.uottawa.ca/administration-and-governance/policy-14a-student-record)[Policy 90 Access to information and protection of privacy](https://www.uottawa.ca/administration-and-governance/policy-90-access-information-and-protection-privacy)If students believe their rights have not been respected with respect to their personal information, students can raise their concern with the administration of the academic unit or University service concerned.If a student believes that the University wrongfully collected, used or disclosed their personal information, the student can file a privacy complaint in accordance with the [University Procedure 20-7 Handling of Privacy Complaints](https://www.uottawa.ca/administration-and-governance/procedure-20-7-handling-privacy-complaints)  |
| Student financial account | The right to a statement of account that reflects the student’s official state of the student’s financial account and to be treated fairly when dealing with matters associated with the student’s statement of account | Students who believe their right has not been respected can [send a complaint to the Student Accounts Office](https://www.uottawa.ca/financial-resources/student-accounts/comments) according to the process established by it |

**Proposed responsibilities and examples of harmful conduct/misconduct:**

All students have the responsibilities as set out in the [Preamble of the Academic Regulations](https://www.uottawa.ca/administration-and-governance/preamble) and also have the following responsibilities:

a) to treat others with respect;

b) to conduct themselves in a manner that contributes positively to a learning, work and living University environment in which respect, civility, diversity, opportunity, and inclusiveness are valued;

c) to be familiar with and comply with this Policy and with the University policies and/or procedures; and

d) not to engage in, attempt to engage in or assist others to engage in any harmful conduct/misconduct.

“**Misconduct**” means behaviour, on the part of a student, conducted in-person, online or via any electronic medium, that violates this Policy or has, or might reasonably be seen to have, an adverse affect on the University’s interests and/or its community, including, without limitation,

i) the integrity or the proper functioning of the University,

ii) a University activity or a University facility.

**Examples of harmful conduct/misconduct**

|  |  |
| --- | --- |
| **1. University facility**  | 1. Misappropriation, damage, unauthorized possession, defacement, vandalism or destruction of a University facility or property associated with a University activity.
2. Use of University facilities contrary to express instruction or without proper authorization, or misuse or abuse of such University facility.
3. Unauthorized entry, attempted entry or presence in or on any University facility or refusing to leave a University facility when instructed to do so by a University official.
4. Knowingly inviting or admitting into or on University facility, a person to whom a notice of trespass has been issued by the University.
5. Setting unauthorized fires at a University facility.
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| **2.University property or property of others** | 1. Theft or possession of University property or property belonging to any person or entity without the permission of the rightful owner, including in circumstance where there was an intent to return the property.
2. Misappropriation, damage, unauthorized possession, defacement, vandalism or destruction of University property or property belonging to any person or entity.
3. Abuse or misuse of student fees or other funds collected and distributed by the University to any student group, either directly or indirectly.
4. Altering or misuse of official University documents, including without limitation identification cards, credit cards, meal cards, smart cards, security access cards, transcript, proof of studies, diploma.
5. Unauthorized use of the University’s name or trademarks.
6. Knowingly create a condition or circumstance which damages or threatens to damage the reputation of the University.
7. Interference with, obstruction of, or tampering with University fire protection equipment, life safety systems or emergency equipment.
8. Copying, reproducing, altering, or using a professor’s work, research or other materials without the professor’s permission (including without limitation the unauthorized recording and distribution of lectures and pedagogical material).
9. Copying, reproducing, altering or using the work or material owned by other students or others without that person’s permission.
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| **3. People** | 1. Assault or other physical force that causes or may cause personal injury or harm, including an attempt to exercise such assault or physical force and a statement or other behaviour that is reasonable for a person to interpret as a real threat to assault or exercise such physical force that could cause physical injury or harm.
2. Use of any device to make a recording of a person, without the person’s prior knowledge or consent, when such a record is of a professor’s lecture or class, or is of a private conversation or of a person at a time and place where that person would have reasonable expectation of privacy and such record or image is likely to cause injury or distress
3. Hazing activities, including, but are not limited to, pranks, jokes, public ridicule, and any activity that does not respect an individual’s rights, integrity, dignity, safety or well-being that is used as a means of coercing, compelling, forcing, or otherwise socially pressuring, a person to gain or maintain: (i) membership in; (ii) the acceptance of; or, (iii) association with; any group or organization

Express or implied consent from, or the acquiescence of, the affected person(s) to any of the above shall not be an excuse or defense for such conduct. |
| **4. Electronic medium/information technology** | 1. Any unauthorized use, alteration, removal of, or unauthorized access to, or tampering, hacking, interference with a University “IT asset”, “IT resource”, “IT service” (each expression of which is defined in University [Policy 116 – Use of Security Information Technology Assets](https://www.uottawa.ca/administration-and-governance/policy-116-use-and-security-information-technology-assets))
2. Any other use of information technology assets, that violates applicable law.
3. Publishing a message in an online forum (such as blogs, web postings, chats and social networking sites ) by the student that makes a true threat that a reasonable person would interpret as a serious expression of intention to inflict bodily harm upon a specific individual or other content that causes a substantial negative effect to the University’s learning, working and living environment.
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| **5. Substance use** | 1. Consumption or possession of open alcohol at a University facility except where it is specifically permitted.
2. Consumption or possession of alcohol by a person under the age of 19 or furnishing alcohol to a person under the age of 19.
3. Consumption or possession of cannabis, except as permitted by applicable law and University policies and/or procedures.
4. Consumption or possession of cannabis by a person under the age of 19 or furnishing cannabis to a person under the age of 19.
5. Manufacturing, cultivating or growing cannabis at University facility, except as may be related to University research.
6. Consumption or possession of any narcotic or controlled substance, except if permitted by applicable law and University policies and/or procedures, including the possession or consumption of prescription medication for purposes other than that for which it was prescribed by a licensed medical professional.
7. The act(s) of selling, administering, giving, transferring, transporting, sending or delivering a narcotic or controlled substance, or the attempt or offer to do so, except as expressly permitted by applicable law.
8. Any act that causes any person to consume a substance (e.g. alcohol, a narcotic or controlled substance including cannabis) without their consent. This includes but is not limited to by any means that involves hazing.
9. Smoking (including use of e-cigarettes) and use of tobacco products on campus except in circumstances specifically permitted by University [Policy 58 – Smoking Policy](https://www.uottawa.ca/administration-and-governance/policy-58-smoking-policy).
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| **6. Disruption / interference** | 1. Disruption or obstruction by action, threat or otherwise, of any University activity and, any conduct that disrupts the normal operations of the University or that infringes on the rights of another member of the University community.
2. Interfering with, obstructing, disrupting, misleading, or failing to comply with the directions of, any University official or person authorized by the University, in the performance of their duties.
3. Any action, conduct, display or communication that causes disruption to, or an obstruction of, the freedom of movement of any person on or at a University facility.
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| **7. Dangerous objects/activity** | 1. Possession or use of any weapon, explosive, chemical, biohazardous, radioactive or controlled material, or the like, except by authorized University personnel and in an area formally designated at a University facility by the University for that purpose.
2. Use of any object to injure, threaten or intimidate another person.
3. Knowingly create a condition or circumstance which endangers or threatens the health, safety or well-being of other persons or threatens the damage or destruction of property.

d) Use written or spoken words, either individually or in a group, in any format or medium, 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 Policy or other University policies and/or procedures or (iv) interferes with the safe and proper functioning of a University activity or University facility. |
| **8. Misrepresentation** | 1. Knowingly furnishing false information to a University official.
2. Possessing, distributing or using false or altered identification/credentials or information.
3. Misrepresenting themselves as a University official or purporting to act or speak on behalf of the University.
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| **9. Abuse of process** | 1. Failure to comply with a process, requirement, or measure under this Policy or other University policies and/or procedures.
2. Knowingly making false report or accusation of misconduct against any member of the University community or assisting another person in doing so. This is not to be confused with making a bona fide complaint that is subsequently found to be without merit.
3. Interference with the administration of this Policy or any other University policies and/or procedure, such as:

(i) a misrepresentation or false statement during a process or proceeding.(ii) trying to discourage any individual’s proper participation in, or use of, a process or proceeding.(iii) any direct or indirect retaliation (e.g. through coercion, intimidation, threats or social pressure) against a complainant, a person who reports a concern, or a potential witness in a process or proceeding.(iv) disrupting, or otherwise interfering with, the orderly conduct of a process or proceeding. (v) electronically or digitally recording, in any format, a meeting, hearing or proceeding without the express permission of the administrator conducting the meeting, hearing or proceeding.(vi) harassing (physically, verbally, or in writing), intimidating or attempting to influence, the impartiality of any individual in a decision-making role in a University process or proceeding or otherwise obstructing a University official in the performance of their duties. |
| **10. University policy and procedures or applicable law** | 1. Violation of this Policy or other Universities policies and/or procedures.
2. Violation of applicable law as it relates to a University activity or University facility or a University member.
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**Proposed scope :**

The proposes policy would apply to students and to harmful conduct that takes place on or at any University facility or anywhere that is not on or at a University facility and in relation to a University activity.

**Proposed complaint mechanism:**

## **Support person**

The student who is the subject of a misconduct case can be accompanied by a support person of their choice at any time during the processing of the case, including a member of the Student Rights Centre or any student representative. The support person can provide encouragement or other emotional or moral support to the student. The support person, with the student’s authorization, can speak with the Case Manager and the Appropriate Authority to obtain status updates on the student’s case.

## **1. In-take**

1.1 An allegation of misconduct should be sent to the Case Manager in the Human Rights Office for intake. The allegation must,

a) be in writing; and

b) provide the name of the student who is alleged to have engaged in misconduct; and

c) provide the nature and details of the circumstances, including details of the facts, specific dates and names and contact information of people who may have witnessed the alleged misconduct or have relevant information.

## **2. Initial assessment**

2.1 Upon receipt of the written allegation of misconduct the following steps will be taken:

a) send an acknowledgment of receipt to the person who sent the allegation; and

b) review and look into the allegations, seek clarification and consult internally as needed; and

c) assess whether the alleged misconduct is in scope.

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## **3. Informal resolution process**

3.1 If appropriate and feasible, as determined by the Case Manager in consultation with the Appropriate Authority or the Appropriate Authority’s delegate, the Case Manager may facilitate an informal resolution of the misconduct case, either prior to initiating or at any time during the formal process.

a) In making the determination, the Case Manager will consider the following:

(i) whether the nature and circumstances of the case, the student and those involved or impacted by the case are amenable an informal resolution; and

(ii) whether an informal resolution is likely to achieve the purposes of the Policy or escalation of a situation.

b) Examples of informal resolution processes include but are not limited to, educational strategies, mediation, negotiation, facilitation, conflict resolution conferences, restorative justice including healing circles, and other dispute resolution techniques.

c) Participation in an informal resolution process is voluntary, is on a without prejudice basis and can be withdrawn at any time. The student’s participation in an informal resolution process or the student’s apology or acknowledgment of impact on others does not constitute the student’s admission that the allegations contained in the misconduct case are true.

d) Any information shared or statements made by the student who is the subject of the misconduct case under the informal resolution process will not be disclosed or used against the student in a subsequent step in the process under this Policy or under other University policies and/or procedures.

e) The Case Manager will document the outcome of the information resolution process by confirming its outcome in writing to the student who is the subject of the misconduct case and to the participants in the informal resolution process with proper confidentiality safeguards.

## **4. Formal process**

4.1 Where an informal resolution process is not successful, or where the nature of the misconduct case is such that an informal resolution would not be appropriate, the formal process and the steps as outlined below will apply to address the case:

a) **Opportunity to respond in writing**: The Case Manager will send the misconduct allegations in writing to the student who is the subject of the misconduct case and will confirm in writing that the misconduct case is being treated under the formal process of this Policy (the “**Formal Process Notice**”). The student will have 5 working days from the date that the Case Manager’s Formal Process Notice to send a written response to the allegations, any and all documentation or materials in support of the student’s response, to the Case Manager. The student will also have the opportunity to discuss the case with the Case Manager and clarify or respond further to any questions. If needed, the Case Manager may share the student’s response with the person who brought the case to the attention of the Case Manager or with others in order to clarify or verify the allegations and/or the students response. The Case Manager will inform the student, in writing, of any new or additional allegations or statements that were not contained in the initial allegation relevant to the case and the Case Manager will provide the with a further opportunity to provide a written reply and any additional information and documentation in support within the time requested by the Case Manager.

b) **Investigation:**  The Case Manager will investigate into the allegations or, in consultation with the Director of the Human Rights Office, may mandate a person who is trained to do investigations, to conduct an investigation into the case. The investigation must be done in a timely fashion. An investigation, whether it is conducted by the Case Manager or a person mandated by the Case Manager, typically involves, but is not necessarily limited to, gathering and verifying information, communicating with the student who is the subject of the misconduct case, with the person who brought the case forward and with any other persons who may have information relevant to the case, reviewing the allegations, the student’s response, replies, any documentation submitted in support and any other evidence relevant to the case. When material facts are not in dispute, communicating with those involved in the case may not be necessary.

c) **Investigation report**: Upon completion of the investigation, the investigator will send to the Appropriate Authority, to the student who is the subject of the misconduct case and to the person who brought the case forward, where appropriate, a written confidential report containing a summary of the facts and information gathered during the investigation, the investigator’s analysis of the facts and information and the investigator’s conclusion regarding whether or not the student has engaged in misconduct within the meaning of the Policy and where applicable, make recommendations on measures.

d) **Outcome and final measures**: Upon receipt of the investigation report, the Appropriate Authority will provide the student who is the subject of the misconduct case and the person who brought the case forward where appropriate with an opportunity to make any further or additional comments on the investigation report and on any potential final measures. The Appropriate Authority will then make a final decision on,

(i) decide whether to accept or reject the investigator’s conclusion on whether or not the student has engaged in misconduct within the meaning of the Policy; and

(ii) decide on any final measures within the Appropriate Authority’s authority; or

(iii) recommend, to the Senate Appeals Committee, any final measures under the Senate Appeals Committee authority.

e) **Communication**: The Appropriate Authority will communicate, in writing, to the student who is the subject of the misconduct case and the Appropriate Authority’s final decision or recommendation, as applicable, with a copy to the Case Manager and to other University officials with a need to know in order to implement such measures.

**Proposed measures in the event of harmful conduct/misconduct:**

Measures can be a mix of supportive, positive, educational and/or disciplinary.

a) Educational measures: the student carries out reflective independent study or reflective work assignment, service or other activity, appropriate in the circumstance, that educate and provide an opportunity for the student to learn, to reconnect with the University community and to progress academically.

b) Written warning: a notice in writing to the student of the type of misconduct engaged in by the student and the measures the student must take to stop or address such misconduct.

c) Probation: a written reprimand for misconduct that is for a designated period of time and includes a warning of the imposition of more serious measures if the student continues to engage in misconduct during the probationary period or in future.

d) Loss of privileges or suspension/refusal of a service: denial of specified privileges for a designated period or suspending or refusing to continue to provide certain services to the student.

e) Restitution: compensation for loss, damage or injury. This may take the form of appropriate service and/or monetary loss or material replacement.

f) Withdrawal, suspension or cancellation of awards and /or financial assistance to the student.

g) Student status conditions: conditions associated with the student's continued attendance and enrolment at the University. For example, requirement to undertake training or an educational session within a certain period.

h) University suspension: suspension from continuing studies at the University for a specified period, after which the student is eligible to resume studies, with or without conditions.

i) Transcript notation: inclusion of a permanent statement on the student’s official transcript issued by the University: “Sanction pursuant to contravention of the University Policy on Student Rights and Responsibilities”.

j) University expulsion: mandatory and permanent withdrawal or cancellation of the student’s admission or registration at or relationship to the University.

k) Revocation of degree: the cancellation or revocation of a degree, diploma or certificate conferred upon the student by the University.