



Policy Title:

## Student Non-Academic Misconduct Policy

University Classification & Policy Number:

A-004-25

Approval Body:

Board of Regents

Responsible Designate:

The Provost & Vice-President, Academic is responsible for the development, administration, and review of this Policy.

Established:

October 25, 1994

Revised:

May 6, 2019

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### 1.0 Policy Purpose

The purpose of this Policy is to:

- a) outline expectations regarding how students conduct themselves in a manner that is consistent with the mission, values, guiding principles, and educational objectives of the University; and
- b) define the manner in which the University will respond to any allegations of student non-academic misconduct.

### 2.0 Definitions

The following definitions apply to terms as they are used in this Policy and its associated Procedures:

- 2.01 **Administrator:** anyone who has sufficient authority to take or ensure the taking of remedial action including the Deans, Directors, Executive Directors, the Registrar, Provost, Deputy Provost, the Vice-Presidents, Associate Vice-Presidents, and the President. In the case of a student, the Administrator shall in most cases be the Associate Vice-President, Student Engagement.
- 2.02 **Complainant:** when a report is made alleging a violation of this Policy, the person filing the complaint is the Complainant.
- 2.03 **Complaint:** the result of a report by the Complainant.
- 2.04 **Disclosure:** when a person tells a UW community member that they have experienced or witnessed non-academic misconduct. A Disclosure is not a report (see the definition of report,

in article 2.07). A Disclosure may be made for the purpose of support, accommodation, or seeking out information.

- 2.05 **Investigator:** an individual designated by the University to investigate a Complaint.
- 2.06 **Non-Academic Misconduct:** conduct that has, or might reasonably be seen to have, an adverse effect on the integrity or proper functioning of the University, or the health, safety, rights, or property of the University or UW community members. Examples, all of which are elaborated on and more fully described in Appendix “A” attached to this Policy, include but are not limited to: a) theft, damage, or destruction of property; b) unauthorized entry or presence on University property; c) fraud or impersonation; d) disruptive or dangerous behaviours to the UW community; e) unlawful use of alcohol or drugs; or f) other activities that result in criminal charges, conviction, a court judgment, or a decision by the Ombudsman under the *Human Rights Code* of Manitoba.
- 2.07 **Report(s):** a Complaint made by a Complainant concerning an incident of Non-Academic Misconduct.
- 2.08 **Respondent:** when a Report is made under this Policy, the person against whom the allegations are made is the Respondent.
- 2.09 **Student(s):** any individual:
- a) engaged in academic work at the University leading to the recording or issue of a mark, grade, or statement of performance for that work by an appropriate authority in the University or another institution;
  - b) registered, or auditing, as a participant in any course or program of study offered by or through an academic unit or division of the University; or
  - c) entitled to a valid University student card who is between sessions but is entitled because of their student status to use University facilities.
- 2.10 **University:** The University of Winnipeg as defined by *The University of Winnipeg Act*.
- 2.11 **UW Community:** Students, employees, anyone holding a University appointment, post-doctoral fellows, visiting scholars, anyone contractually required to abide by University policies, anyone volunteering with a University program or activity, Students and employees of the Collegiate, members of the Board of Regents and Senate, and anyone who resides on University property.

### 3.0 Scope

- 3.01 This Policy applies to the Non-Academic Misconduct of Students or Student groups while on University premises, or to any Non-Academic Misconduct that takes place off campus, or through other forms of communication including, but not limited to, social media, digital communication, written communication, or telephone, if the incident has a substantial link to the University.

- 3.02 This Policy continues to apply to a Student who withdraws from the University or who takes a leave of absence, if the Student was registered, enrolled, or participating in a course or program at the time that the Non-Academic Misconduct is alleged to have occurred.
- 3.03 Any individual can submit an allegation of Non-Academic Misconduct regardless of whether they are a member of the UW Community if that allegation has a substantial link to the University and if the Respondent is a Student of the University.
- 3.04 If any incident(s) occurs on campus between visitors to the University campus who are not otherwise considered part of the UW Community, or involving a former member of the UW Community, the University may investigate the incident to identify any risks that can be addressed to mitigate future incidents, to review any security response, or to revoke access or bar entry to the visitor(s) or former UW Community member involved in the incident.
- 3.05 This Policy is designed to be used in coordination with other University policies. If the incident violates more than one policy, the decision on which policy or procedures to follow will be that of the Associate Vice-President, Student Engagement, in consultation with the Human Rights and Diversity Officer and the Complainant.
- 3.06 Any alleged breach by a Student of the Respectful Working and Learning Environment Policy or the Acceptable Use of Information Technology Policy is considered Non-Academic Misconduct and shall follow the Student Non-Academic Misconduct Procedures. Incidents that breach the Sexual Violence Prevention Policy, while a form of Non-Academic Misconduct, shall follow the Sexual Violence Prevention Procedures if the Respondent is a Student.

## **4.0 Policy Elements**

### **4.01 Principles**

- 4.01.01 The University is committed to a safe and healthy learning, living, and working environment for the entire UW Community. As such each Student is responsible for their personal conduct as it affects the UW Community.
- 4.01.02 Students who are on University property or participating in University activities are expected to act in accordance with this Policy, act lawfully, and respect the rights, privileges, and safety of others.
- 4.01.03 Any individual who engages with this Policy can expect the University to:
- a) treat them with fairness, dignity, and respect;
  - b) have this Policy and any relevant policy explained to them in plain language;
  - c) provide a fair, transparent, and unbiased process; and
  - d) keep their information confidential except in rare instances when disclosing information is required by law or for the working of this Policy.

### **4.02 Prohibited Conduct**

- 4.02.01 All acts of Non-Academic Misconduct are prohibited under this Policy.

- 4.02.02 Retaliation of any kind is prohibited. This includes retaliation against any member of the UW Community who Reports or is witness to an incident of Non-Academic Misconduct, or who is otherwise involved in the investigation and resolution of the incident.
- 4.02.03 Vexatious or malicious claims are Non-Academic Misconduct and may result in discipline under this Policy. This does not include Complaints that were made in good faith that were ultimately found to be without merit.
- 4.02.04 Students who knowingly aid or abet another person in the commission of any infraction of this Policy also commit Non-Academic Misconduct and will be subject to disciplinary action under this Policy.

#### **4.03 Informal and Alternative Resolution**

- 4.03.01 The University recognizes that many incidents can be resolved informally without submitting a Complaint requesting investigation. When possible, resolution of incidents through informal means of conciliation, education, or mediation are to be encouraged.
- 4.03.02 The University recognizes that not all people and cultures resolve disputes or incidents by the same means. When possible and desired by both parties, the informal resolution process shall create reasonable opportunities for culturally relevant means of resolution and to use other supports to guide such a process.

#### **4.04 Interim Measures**

- 4.04.01 The University may impose interim measures, before an investigation is concluded, where immediate action is required to protect the UW Community or the Complainant or Respondent's health and safety, or to maintain the orderly functioning and discharge of the University's mandate.
- 4.04.02 Interim measures do not by nature of their imposition presuppose the outcome of any investigation.

#### **4.05 Privacy**

- 4.05.01 In accordance with provincial legislation, the University's Privacy Policy sets strict requirements on the collection, use, and sharing of personal information ("PI"). These are intended to preserve confidentiality and protect individuals from undue intrusion and similar harms. However, privacy is not absolute, and exceptions to privacy may apply in limited and specific circumstances.
- 4.05.02 For additional information regarding privacy, visit [www.uwinnipeg.ca/privacy](http://www.uwinnipeg.ca/privacy) .

## **5.0 Relevant Legislation**

- *Human Rights Code* (Manitoba)
- *The Freedom of Information and Protection of Privacy Act* (FIPPA)
- *The Personal Health Information Act* (PHIA)
- *The University of Winnipeg Act*

## **6.0 Related Policies, Procedures and Institutional Documents**

- Acceptable Use of Information Technology Policy
- Conflict of Interest Policy
- Privacy Policy and Procedures
- Respectful Working and Learning Environment Policy and Procedures
- Sexual Violence Prevention Policy and Procedures
- Student Non-Academic Misconduct Procedures
- University Records Policy and Procedures
- Violence Prevention Policy and Procedures



## **APPENDIX “A”: Examples of Non-Academic Misconduct**

An exhaustive list of all possible Non-Academic Misconduct can be neither anticipated nor provided at any given time. However, the following list offers examples of Non-Academic Misconduct.

### **1. Theft, damage, or destruction of property**

Examples include instances such as a Student:

- a) possessing or using property owned by the University, a member of the UW Community, or that of a third-party that is acquired without appropriate consent or authority;
- b) misappropriating, destroying, defacing, vandalizing, or otherwise damaging University property, equipment, posters, banners, or other assets or the property, equipment, posters, banners, or assets of other members of the UW Community or a third-party; or
- c) tampering with fire or emergency equipment.

### **2. Unauthorized entry or presence on University property**

Examples include instances such as a Student:

- a) entering into or remaining on University premises without proper authority; or
- b) entering or remaining on University property for the purpose of damage, destruction, alteration, or theft.

### **3. Fraud or impersonation**

Examples include instances such as a Student:

- a) refusing to identify themselves upon request by a University official acting in the course of their duties;
- b) being in possession of, or distributing, false identification or altered identification;
- c) knowingly making false allegations or allegations which they reasonably ought to have known were false or unsubstantiated, or bringing a false charge under any University policy against any member of the UW Community;
- d) falsifying, distorting, or otherwise misrepresenting information while engaged in the proceedings provided for in this Policy; or
- e) impersonating a member of the UW Community.

### **4. Disruptive or dangerous behaviours to the UW Community**

Examples include instances in which a Student is:

- a) obstructing the teaching and learning activities at the University;
- b) creating a situation that endangers the health, safety, or well-being of any member of the UW Community or public;
- c) possessing or using a weapon;
- d) possessing or using an object resembling a weapon that reasonably could be viewed as a threat to a member of the UW Community or public;
- e) harming or threatening any member of the UW Community or public; or
- f) engaging in hazing or bullying activities.

## **5. Unlawful possession or use of alcohol or drugs**

Examples include instances in which a Student is:

- a) intoxicated in class;
- b) in possession of or consuming alcoholic beverages at an event on University premises designated as a "dry" (non-alcohol) event;
- c) in possession of or consuming alcohol anywhere on University premises if under the legal drinking age of the Province of Manitoba;
- d) supplying alcoholic beverages to any person under the legal drinking age of the Province of Manitoba;
- e) in possession of, furnishing to anyone, or consuming illegal non-prescription drugs or prescription drugs for non-medicinal purposes; or
- f) consuming legal drugs illegally (i.e., smoking or consuming cannabis on the University campus which is a violation of Provincial law).