

Report to the Audit and Risk Committee

Board of Trustees, Queen's University

Re: Non-Academic Discipline (NAD) Process

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Executive Summary

Following on the recommendations made by Queen's Director of Internal Audit, I have reviewed the University's non-academic discipline regime (NAD) and am providing my opinion as to whether that regime, as it exists, presents legal and reputational risks for the University. Specifically, there is concern that risk arises from the fact that "Management and the Board of Trustees do not have authority over student non-academic discipline."

I am to provide an identification and assessment of risks arising from the NAD as I see them, and to suggest the availability of mitigating controls. I have not been asked to write or rewrite policy or procedures nor am I limited to a strictly legal opinion, but am to bring to bear in my consideration of the issues, my own university legal, governance and administrative experience.

In the course of my enquiry I came to appreciate the complications inherent in the issue of student behaviour and discipline at Queen's. It is an institution which takes great pride in its long traditions which have fostered the deep engagement and loyalty of its students and alumni. However, the changed and increased expectations of the role and responsibilities of universities held by students, parents, governments and society at large are requiring the University to re-evaluate some of these traditions and that is difficult.

As the Board of Trustees has responsibility and authority under the Queen's Charter for the good government and the well-being and advancement of the University, I am of the opinion that the liability for any legal or reputational damage to the University, including any arising from student behaviour, will fall squarely on the Board.

It is my observation that as it stands, the Queen's NAD process is decentralized, in silos, and sometimes inconsistent, contradictory and unclear. It is my opinion that there are serious issues to be addressed if Queen's is to mitigate a number of risks which I have identified. However, the University seems to view itself as being unable to effect needed change because of the long history of ceding or delegating significant power and authority to the student governments.

Each of the identified risks can be addressed in ways which I suggest and no doubt in additional or different ways as well. Queen's culture is at the root of these issues and although changes to problematic aspects of the culture will not happen overnight, in my opinion, now is the time to take on the task. I believe that change can be made without fear that Queen's will lose its unique identity, and I do not think it will lose the loyalty of its students or alumni by bringing old traditions into line with contemporary societal expectations or legal standards.

The following are the identified risks and my recommendations, which are addressed in further detail in the body of the report:

Risk 1: The risk of not addressing the 2010 recommendations of Coroner Skinner.

Recommendations

1. That the Board address and make a decision on the coroner's recommendation that alcohol offences and other issues of student health and safety be removed from the peer /student discipline system.

2. That the Board support the rebuilding of the NAD system into a clearer and more coherent system.
3. That to implement Recommendation 2 the Board and Senate review and consider the adoption of Recommendations 2 through 9 of the 2012 NAD Review.
4. That when a revised system and a new Code are developed they should be adopted by both of the governing bodies.
5. That the Board mandate the creation of an office or appointment of an individual to coordinate and oversee the change process.
6. That the Board and Senate consider providing for independent and critical points of view in key places within their governance structures.

Risk 2: Club and other traditions as presently understood and practiced at Queens are a liability to the University.

Recommendations

1. That the Board set a “tone from the top” for the standard of behaviour expected of Queen’s students and express its support for upholding those standards.
2. That the Board communicate the standard throughout the Queen's community, including the alumni community, particularly with respect to Queen's traditions.

Risk 3: The risk of liability because the NAD system is unclear or because AMS/SGPS lack legal authority over student discipline.

Recommendations

1. That the Board take steps to clarify the legal jurisdiction of the Board, the Senate, the administration and the student governments over non-academic student discipline.
2. That once the issue of jurisdiction is clarified, if delegation of all or some of the NAD process to AMS/SGPS is legal; that formal contracts be signed with the AMS and SGPS setting out the terms and limits of their responsibility and authority in the NAD system. The contract should have a term, record keeping and reporting requirements and be subject to review before renewal.
3. Once jurisdiction and authority is clarified, that Senate redraft/revise SARD so that Senate's jurisdiction and role is clearly expressed. Policy statements should be distinguished from procedures. The authority of SONAD and USAB should be clarified.

Risk 4: The risk of losing or of not attracting competent individuals to serve in important roles in the senior administration.

Recommendations

1. That the Board support the Administration’s taking steps to align administrative authority and accountability.

I also make specific recommendations intended to address the obvious gaps in communication among the parts of the NAD system, most particularly concerning the exchange of information on individual discipline cases among University departments and between those departments and the AMS/SGPS. Further, I provide suggestions concerning the composition and authority of the USAB, particularly addressing its function as an appeal body. These further

recommendations follow on issues which arose in the course of my discussions with Queen's administrators and students.

While it is never possible to anticipate or mitigate all risks which may be anticipated in the contemporary university, I hope that this report will be of assistance in addressing those issues which have been of most concern at Queen's University for some time.