

# PROCEDURE



## Re: PROCEDURES UNDER THE *QUEEN'S UNIVERSITY STUDENT CODE OF CONDUCT, 2016*

Contact Officer

*Provost and Vice Principal (Academic)*

**EFFECTIVE DATE: JANUARY 1, 2018**

**EXCEPT in connection with any case in which a student conduct panel was appointed prior to January 1, 2018.**

For such cases the *Interim Procedures Under the Queen's University Code of Conduct, 2016* shall apply.

<b>PROCEDURE</b>	<b><u>PURPOSE</u></b>	Pursuant to the approval of the <i>Queen's University Student Code of Conduct, 2016</i> ("Code") by the Queen's University Board of Trustees on May 6, 2016, this Procedure details the processes for administering the Code.
	<b><u>PROCEDURES</u></b>  <b>GENERAL PROVISIONS</b>	<ol style="list-style-type: none"><li>1. These General Provisions apply to all allegations, complaints and reports ("cases") received by the NAM Intake Office, against Students and Student Groups ("Respondent(s)") pursuant to the Code.</li><li>2. Terms in this Procedure have the meaning given to them in the Code, unless they are expressly defined otherwise in this Procedure.</li><li>3. The Code and this Procedure do not preclude any member of the Queen's community impacted by non-academic misconduct from pursuing criminal or civil action, nor from reporting the case to an applicable professional licencing body, nor does it preclude Campus Security and Emergency Services staff from carrying out their responsibilities.</li><li>4. The NAM Intake Office's decision to refer a case to a specific NAM Unit is final and is not subject to review by any person or body.</li><li>5. The NAM Intake Office can also divert a case from the NAM System, to be addressed under the University's student-at-risk policies and practices.</li><li>6. If a staff member of the NAM Intake Office is unavailable, the University Secretary or designate has full authority to make any decision that a NAM Intake Officer is entitled to make under the Code or this Procedure.</li><li>7. All notices and written communication pursuant to the Code or this Procedure must be sent by email, to Students, Student Groups, faculty or staff using their <a href="mailto:@queensu.ca">@queensu.ca</a> email address. All email attachments must be password protected. In all other cases, notices and communications must be sent by registered mail or by courier. If sent by regular mail, receipt is deemed to have occurred on the 3<sup>rd</sup> business day<sup>1</sup> after the date</li></ol>

<sup>1</sup> "business day" means Monday to Friday, excluding statutory holidays and any other day on which the University is closed, such as the Christmas Shutdown period.

<p><i>Procedures of other NAM Units</i></p>	<p>on the notice or communication.</p> <p>8. The Procedures set out in Paragraphs 10-88 of this Procedure apply only to those cases that the NAM Intake Office refers to the Student Conduct Office.</p> <p>9. When the NAM Intake Office refers a case to any other NAM Unit, the procedures of that Unit must, at a minimum, contain the following components of procedural fairness:</p> <ul style="list-style-type: none"> <li>(a) <b>Information:</b> Respondents have the right to be advised, in writing, of the allegations.</li> <li>(b) <b>Rule against bias:</b> Respondents have the right to have a case heard and decided by an unbiased decision-maker.</li> <li>(c) <b>Notice:</b> Respondents have the right to formal written notice of any proceeding. Notice should include the nature of the proceeding, including whether the proceeding will be conducted by way of written submission, oral presentation, or both.</li> <li>(d) <b>Disclosure:</b> Respondents have the right to disclosure of the evidence and information to be relied upon by the other party in the case.</li> <li>(e) <b>Representation:</b> Respondents have the right to the assistance of a University Dispute Resolution Advisor or any other person of their selection, including legal counsel.</li> <li>(f) <b>Participatory Right:</b> Respondents have the right to present evidence and arguments in response to an allegation of non-academic misconduct.</li> <li>(g) <b>Reasons:</b> Respondents have the right to be provided with written reasons for the decision made in their case.</li> </ul>
<p><b>CATEGORY 2 NAM PROCEDURES</b></p>	<p>10. The procedures outlined below apply to cases of alleged Category 2 non-academic misconduct that are referred to the Student Conduct Office.</p> <p>11. Notwithstanding Paragraph 4 above, and notwithstanding a case of alleged non-academic misconduct having been referred to the Student Conduct Office, the Case Manager can divert the case from the NAM System to be addressed under the University's student-at-risk policies and procedures.</p> <p>12. The Procedure for cases of alleged Category 2 non-academic misconduct referred to the Student Conduct Office can be implemented at the same time as, or following, other off-campus processes, including civil or criminal proceedings.</p> <p>13. If, prior to referring a case to the Student Conduct Office, the NAM Intake Office is aware that a case of alleged Category 2 non-academic misconduct has also been reported to the police and/or has resulted in criminal charges or a civil proceeding against a Respondent(s), that Office, in consultation with the Vice Provost and Dean of Student Affairs or designate, will first determine whether it is appropriate to defer the case under this Procedure. If, at any time after the case has been referred, it subsequently becomes known that the case has been reported to the police and/or has resulted in criminal charges or a civil proceeding against a Respondent(s), the Vice Provost and Dean of Student Affairs will determine whether it is appropriate to defer the case under this Procedure.</p>

<p><i>Interim Measures</i></p>	<p>14. The University retains the right to impose interim terms and conditions that are appropriate in the circumstances to ensure a safe campus environment. The Provost and Vice Principal (Academic) (“Provost”), or designate, can impose interim terms and conditions that are appropriate in the circumstances to ensure a safe campus environment.</p> <p>15. A Respondent who is subject to interim measures can seek an expedited review of the interim measures by the Chair of the University Student Appeals Board (“USAB”) by filing a request with the Secretary of USAB.</p>
<p><i>Initial Exploratory Meeting</i></p>	<p>16. Upon receipt and review of an Incident Report from the NAM Intake Office, the Case Manager shall write to the Respondent(s) inviting the Respondent(s) to an initial exploratory meeting.</p> <p>The letter must:</p> <p>(a) Provide the Respondent(s) with a summary of the Incident Report;</p> <p>(b) State the specific date, time and location of the initial exploratory meeting. <i>This should normally be scheduled within 10 business days after the case referral.</i></p> <p>(c) Advise each Respondent of the right to have an advisor present at the meeting;</p> <p>(d) Advise the Respondent(s) that:</p> <ul style="list-style-type: none"> <li>• the initial exploratory meeting is the Respondent’s opportunity to explore the possibility of informally resolving the case;</li> <li>• any retaliatory conduct by the Respondent(s), either towards the complainant or any potential witness, is itself Category 2 non-academic misconduct subject to sanction; and,</li> <li>• if they do not attend the initial exploratory meeting, the Case Manager will proceed with a formal investigation of the case.</li> </ul>
<p><i>Preliminary Informal Resolution</i></p>	<p>17. If the Respondent(s) admits to the alleged misconduct and accepts responsibility, the Case Manager and the Respondent(s) can agree, in writing, to the sanction(s). The written agreement must also specify any requirement(s) the Respondent(s) must meet/fulfill, and the deadline for doing so.</p> <p>18. Upon the timely completion of the requirements agreed to in the informal resolution, the Case Manager must prepare a case report pursuant to Section VIII of the Code and provide it to the NAM Intake Office.</p>
<p><i>Violation of Informal Resolution Requirements</i></p>	<p>19. The Case Manager can determine, in their discretion, if a failure to meet any of the requirements is substantial enough to warrant negating the informal resolution. If the failure is determined to be substantial enough, the Case Manager must so advise the NAM Intake Office, who will refer the case to the Student Conduct Panel, (the “Panel”) and will provide the Panel with the following information:</p> <p>(a) information about the misconduct, alleged and admitted; and,</p> <p>(b) the sanction(s) and requirement(s) agreed to during the informal resolution process.</p>

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20. The Panel shall invite each party to make a submission about the appropriate sanction(s). Each party will be advised that it can make its submissions to the Panel in writing or verbally.
21. The Panel shall only render a decision about sanction(s), which will include sanction(s) for the misconduct admitted, and may include additional sanction(s) for failure to complete/fulfill the sanctions(s) in the informal resolution.
22. If the Case Manager determines, based on the NAM Intake Office's Incident Report, that no informal resolution is appropriate, or, if after the initial meeting with the Respondent(s) the Case Manager determines that no informal resolution is possible at this stage, then the Case Manager will initiate a formal investigation to determine if there is sufficient evidence of non-academic misconduct to warrant further action. Normally, the investigation should start within 15 business days after the Case Manager received the Incident Report.
23. The Case Manager can ask that the University Secretary engage an external investigator where the subject matter of the case requires specialized knowledge or expertise.
24. Throughout the investigation the Case Manager shall observe the principles of procedural fairness, including:
  - (a) Interviewing the complainant(s) to identify the scope of the evidence available to support the case and to identify any relevant witnesses. The Case Manager must send each complainant a Notice of Investigation, requesting an interview to discuss the allegation(s).
  - (b) Interviewing relevant witness(es). The Case Manager must send a Notice of Investigation to each witness, requesting an interview; and,
  - (c) Interviewing the Respondent(s). The Case Manager must send Notice of Investigation to each Respondent, which shall:
    - provide each Respondent with the specifics of the allegation(s) against him/her;
    - invite the Respondent to meet with the Case Manager and/or provide a written response to the allegations;
    - advise the Respondent(s) of the right to have an advisor present at all meetings during the investigation;
    - advise the Respondent(s) that any retaliatory conduct is itself Category 2 non-academic misconduct, subject to sanction;
    - advise the Respondent(s) of the place, date and time that has been scheduled for the interview, which should not be earlier than 3 business days after the date on the Notice of Investigation;
    - indicate the date by which a written response, if the Respondent chooses to submit one, must be provided to the Case Manager, which should not be earlier than 3 business days after the date on the Notice of Investigation; and,
    - Advise the Respondent that if the Case Manager receives no response to the Notice of Investigation (either by

<p><i>Insufficient Evidence of Category 2 NAM</i></p>	<p>providing a written response to the allegations and/or confirming attendance and attending at the interview) the Case Manager will:</p> <ul style="list-style-type: none"> <li>◦ proceed with the investigation,</li> <li>◦ draw any reasonable conclusions based on the information that is available at the conclusion of the investigation; and,</li> <li>◦ have the authority to impose sanctions(s) that the Case Manager deems appropriate based on that information, without input from the Respondent.</li> </ul> <p>25. A Notice of Investigation constitutes a direction of a University official for the purposes of the Code.</p> <p>26. As part of the investigation the Case Manager is entitled to, and should if they deem it appropriate, meet with, seek assistance from, or consult with, any member of the University community who might have relevant knowledge of the incident and/or the Respondent(s) (including Faculty Deans, administrators and staff), or who have specific expertise with regard to the substance of the allegation (e.g. the Human Rights Office, the Equity Office, the Department of Athletics and Recreation, Residence, etc.).</p> <p>27. The Case Manager should normally complete the formal investigative process within 10 business days after all interviews are completed.</p> <p>28. During the investigation, the Case Manager must instruct <b>all</b> persons interviewed that:</p> <ul style="list-style-type: none"> <li>(a) the interview/investigation process is confidential;</li> <li>(b) any information communicated by or to the Case Manager during the investigation is not to be disclosed to, or discussed with, others (except with an advisor from whom the person is seeking assistance related to the case, or, a counsellor, physician, support person or the like); and,</li> <li>(c) failure to abide by this confidentiality requirement will compromise the integrity of the investigative process, and constitutes Category 2 non-academic misconduct.</li> </ul> <p>29. If the Case Manager concludes that the evidence does not support a finding of Category 2 non-academic misconduct, the Case Manager shall send a written notice to the complainant, if any, and to the Respondent(s), along with a case report to the NAM Intake Office, advising either:</p> <ul style="list-style-type: none"> <li>(a) that the evidence does not support a finding of non-academic misconduct; or,</li> <li>(b) that, while the evidence does not support a finding of Category 2 non-academic misconduct, the evidence could support a finding of other non-academic misconduct.</li> </ul> <p>30. Upon receiving the case report, the NAM Intake Office must either:</p> <ul style="list-style-type: none"> <li>(a) close the file if the case report is as described in Paragraph 29(a) above; or,</li> <li>(b) refer the case to an Authorized Agent or the Athletics &amp; Recreation Department or Residences, as appropriate, if the case report is as</li> </ul>
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<p><i>Sufficient Evidence - Informal Resolution Process</i></p> <p><i>Sufficient Evidence -</i></p> <ul style="list-style-type: none"> <li>• Referral to Student Conduct Panel</li> </ul> <p><b>STUDENT CONDUCT PANEL</b></p>	<p>described in Paragraph 29(b) above. When referring a case under this provision, the NAM Intake Office must provide a copy of the case report to the receiving office.</p> <p>31. If the Case Manager concludes that the evidence obtained could support a finding of Category 2 non-academic misconduct and concludes that an informal resolution at this stage may be appropriate, the Case Manager retains the discretion to pursue such resolution with the Respondent(s), in which case the provisions of Paragraphs 17-21 above apply.</p> <p>32. If no informal resolution is reached, or, if the Case Manager determines that an informal resolution is not appropriate, the Case Manager must provide the NAM Intake Office with a case report outlining the conclusion(s) of the investigation and the reason(s) therefor. The NAM Intake Office will refer the case to a Student Conduct Panel.</p> <p>33. Normally, a Student Conduct Panel will consist of one faculty member, one Student, and one staff member. The Chair of the Student Conduct Panel (the "Chair") must be someone with experience on a university decision-making body and/or who has experience in student conduct matters.</p> <p>34. The University Secretary will normally appoint members to a Panel from a roster of individuals who have indicated a willingness to serve on a Student Conduct Panel and who have received training in student conduct issues. The roster will be maintained and managed by the NAM Intake Office. Individuals who are complainants or respondents in a matter under the Student Code, including those who are the subject of an investigation under the Sexual Violence Policy, shall be ineligible to remain on the roster while such matter remains unresolved. Individuals who are found responsible for Category 2 Misconduct under the Student code are ineligible to be included in the roster and may not thereafter serve on a Student Conduct Panel.</p> <p>35. The University Secretary can engage one or more external panelists to hear cases where the subject matter requires specialized knowledge or expertise.</p> <p>36. The NAM Intake Office will provide training and education to members of the roster about their roles and responsibilities on a Student Conduct Panel.</p> <p>37. The NAM Intake Office must provide a copy of the case report to each member of the Student Conduct Panel and to the Respondent(s) as soon as reasonably possible following the appointment of the Panel.</p> <p>38. Appointments to a Student Conduct Panel will take into consideration:</p> <ul style="list-style-type: none"> <li>(a) The availability of individuals to serve on the Panel;</li> <li>(b) Subject matter expertise, where such is required;</li> <li>(c) Experience; and,</li> <li>(d) The need to avoid bias, a reasonable apprehension of bias, and,</li> <li>(e) Conflict of interest.</li> </ul>
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<p><i>Student Conduct Panel Procedural Guidelines</i></p>	<p>39. After receiving the case report, the Student Conduct Panel can, if it deems necessary, request additional information/document(s) from a party. The Panel must provide the other party with all information/document(s) so obtained.</p> <p>40. A Student Conduct Panel is not bound by strict legal procedures. The procedural guidelines outlined below are designed to assist the parties in preparing and presenting their case(s), and to ensure they are given a fair opportunity to be heard. The procedural guidelines need not, however, be followed strictly or in their entirety, provided that the requirements of procedural fairness are satisfied.</p> <p>41. <b>Parties:</b> The parties in a proceeding before a Student Conduct Panel are:</p> <ul style="list-style-type: none"> <li>(a) the University, which will normally be represented by the Case Manager; and,</li> <li>(b) the Respondent(s).</li> </ul> <p>42. <b>Notice:</b> The parties should normally be given 10 business days' written notice of the proceeding. The Notice of Proceeding must include:</p> <ul style="list-style-type: none"> <li>(a) a statement of the time, place and purpose of the proceeding; and</li> <li>(b) a statement that if a party does not attend the proceeding, the Panel can proceed in the party's absence and that the party will not be given any further notice of the proceeding.</li> </ul> <p>43. Normally a proceeding should be scheduled within 15 business days after the date on the Notice of Proceeding. The Chair can extend this time limit if a written request for an extension is submitted and if the Chair is satisfied:</p> <ul style="list-style-type: none"> <li>(a) that the reason given for the delay is valid; and,</li> <li>(b) that the delay will not prejudice the other party.</li> </ul> <p>44. The Chair (or delegate) will schedule the proceeding. The Chair will try to schedule the proceeding for a time and date on which the parties are available; but, if a Notice of Proceeding is issued and a party fails to attend the proceeding, the proceeding will nevertheless go ahead as scheduled.</p> <p>45. <b>Right to Assistance:</b> Every Respondent has the right to the assistance of a University Dispute Resolution Advisor or other support person<sup>2</sup>, in a proceeding before a Student Conduct Panel. Respondent(s) can appear before the Panel on their own, but are encouraged to seek advice or assistance.</p> <p>46. The Student Conduct Panel is permitted to pose questions directly to parties or witnesses, who are required to respond directly (and not through an advisor or support person). While neither a Respondent nor a Complainant can be compelled to answer any question(s), the Panel will decide the case on the information before it.</p> <p>47. <b>Evidence:</b> All Respondents are entitled to receive a copy of the case report. A party seeking further details, information or documents must direct their request to the Chair. The Chair must ask the other party for submissions about the request, and will issue a written direction to the parties.</p>
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<sup>2</sup> A 'support person' includes legal counsel.

48. A Panel can receive oral, documentary or other evidence that it deems relevant to the proceeding, whether or not such evidence would be admissible in a court.
49. If the Student Conduct Panel satisfies itself as to the authenticity of a copy of a record or document, the Panel can accept the copy as evidence, without requiring the original record or document to be produced.
50. Panel members must not receive unilateral communications from a party and must not communicate unilaterally with a party; but, if the Panel has sent a Notice of Proceeding to a party who fails to attend the proceeding, the proceeding will nevertheless go ahead as scheduled.
51. **Attendance of Witnesses:** Each party must provide the Chair with a list of witnesses it intends to call, with a copy to the other party, at least 5 business days before the proceeding is scheduled to start. Witnesses are only individuals who have first-hand knowledge of the facts at issue in the case. The Party must provide the following information about each intended witness:
- (a) Full name;
  - (b) Status (i.e. faculty, staff, Student or other); and,
  - (c) A brief summary of the evidence the witness is expected to give at the proceeding;
- Each party is responsible for producing their own witnesses and paying the costs associated with their appearance.
52. If a party believes that a student, staff or faculty member has relevant evidence but has declined the party's request that he/she attend the proceeding as a witness, the party can ask the Chair, in writing and with a copy to the other party, at least 10 business days before the commencement of the proceeding, to request that the individual attend the proceeding as a witness. The party's written request to the Chair must include the following information about the requested witness:
- (a) Full name;
  - (b) Status (i.e. faculty, staff,);
  - (c) Business contact information;
  - (d) A brief summary of the evidence the witness is expected to give at the proceeding; and,
  - (e) A statement outlining why the evidence is relevant to the proceeding.
53. The Chair will send a written request to the person if the Chair believes that the proposed witness is likely to have relevant evidence. The Chair has no authority to compel any witness to attend a proceeding and the Chair's request will so advise the proposed witness.
54. The Chair will advise the parties of the identity of all persons who accept the Chair's request to attend the proceeding.
55. Witnesses are not expected to be sworn-in or affirmed.
56. **Examination of Witnesses:** At the proceeding, a party or their advisor is entitled to examine and cross-examine witnesses. The Chair can limit the testimony and questioning of witnesses to those matters the Panel

<p><i>Alternate Dispute Resolution</i></p>	<p>considers relevant to the disposition of the case.</p> <p>57. The Chair can limit examination and cross-examination of a witness if the Chair believes the questioning is irrelevant, abusive or otherwise inappropriate.</p> <p>58. <b>Open/Closed Proceedings:</b> Normally a proceeding before a Student Conduct Panel will be closed to observers. A party may make a request to the Chair, at least 5 business days before the commencement of a proceeding, that the proceeding be open. The Chair, after receiving written submissions from the parties, will determine whether the proceeding will be open to observers, having regard to issues of privacy and confidentiality, as well as other relevant considerations such as whether the case involves a matter of public safety.</p> <p>59. It is up to the Chair to decide who is permitted to be present at any stage of a proceeding. If a party seeks the exclusion of witnesses except when each witness is giving evidence, the party must make such request to the Chair at the outset of the proceeding.</p> <p>60. <b>Order of Proceedings:</b> The Student Conduct Office representative will first present the findings of the investigation and call witnesses. The Respondent(s) will be given an opportunity to cross-examine the witness. The Student Conduct Office representative will then be permitted to address any <i>new</i> points that arose from cross-examination.</p> <p>61. The Respondent(s) will next present evidence and call witnesses. The Student Conduct Office representative will be given an opportunity to cross-examine the witness. The Respondent(s) will then be permitted to address any <i>new</i> points that arose from cross examination</p> <p>62. The Student Conduct Office representative can present evidence in response to evidence presented by the Respondent(s).</p> <p>63. At any time during a witness's evidence, members of the Panel can ask for clarification or further information from the witness.</p> <p>64. The parties will be permitted to summarize their respective cases and make closing statements, during which the University and the Respondent(s) should address both the substance of the alleged misconduct and the appropriate sanction in the event the Panel concludes that the University's case is supported.</p> <p>65. The Chair can alter the order described above in the interests of fairness.</p> <p>66. <b>Adjournment:</b> The Panel can agree to an adjournment request at any time during a proceeding if the Panel is satisfied that the reason for doing so is valid and that that the delay will not prejudice the other party.</p> <p>67. <b>Time Limits:</b> Normally time limits will be extended during exam or holiday periods. The Chair retains the discretion to extend time limits as circumstances may require; in exceptional circumstances, the Chair can also abridge time limits provided that a party to a proceeding is not prejudiced thereby.</p> <p>68. <b>Alternate Dispute Resolution:</b> The Chair can, at any stage before the Panel makes its decision, defer the case to allow the parties to participate in an alternate dispute resolution process if:</p> <p style="padding-left: 40px;">(a) the Chair decides that alternate dispute resolution is appropriate for the case; and</p>
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<p><i>Student Conduct Panel Decisions</i></p>	<p>(b) the parties consent to participating in the alternate dispute resolution process.</p> <p>69. Where the parties participate in an alternate dispute resolution process, timelines for resolving the dispute must be established and agreed upon or determined by the Chair. Normally, the deferral period for an alternate dispute resolution process will not exceed 4 weeks. If at the conclusion of 4 weeks the parties have not reached agreement, either party can request that the proceeding be scheduled or re-commenced, as the case may be.</p> <p>70. Alternate dispute resolution processes are without prejudice. No person called upon to facilitate a dispute resolution process can be required to give evidence or to produce any document or other record in a proceeding.</p> <p>71. <b>Decision:</b> The decision of a Student Conduct Panel, if not unanimous, will be based on the decision of the majority of its members.</p> <p>72. The Student Conduct Office must demonstrate that a finding of non-academic misconduct is supported on a <i>balance of probabilities</i>. This means that the evidence the Panel regards as reliable and credible supports the conclusion that it is more likely than not that the Respondent engaged in non-academic misconduct.</p> <p>73. Every decision of a Student Conduct Panel must include a statement about the Respondent's right to appeal its decision to the USAB. The decision must also provide information about the deadline for appealing and must reference the Office of the University Ombudsman as a resource for information and advice.</p> <p>74. <b>Notification of Decision:</b> Normally, within 10 business days after the conclusion of the proceeding, the Chair will notify the parties and the NAM Intake Office in writing of the Panel's decision. The written decision must include the Panel's supporting reasons for its decision.</p>
<p><i>Sanctions &amp; Sanctioning</i></p>	<p>75. The factors a Panel should consider in determining sanction(s) include:</p> <p>(a) the intent of a Respondent;</p> <p>(b) the impact of the misconduct on:</p> <ul style="list-style-type: none"> <li>• the complainant, if any;</li> <li>• the University community; and,</li> <li>• the University (including any impact on its reputation and/or its goodwill);</li> </ul> <p>(c) the presence of mitigating or aggravating factors; and,</p> <p>(d) a Respondent's record of non-academic misconduct. The Panel is entitled to receive information about a Respondent's record of non-academic misconduct <i>if, and only after</i>, the Panel concludes that the current case is supported on a balance of probabilities. The Panel can write to the NAM Intake Office to obtain information about the Respondent's record of non-academic misconduct.</p> <p>76. Sanctions must be proportionate to the misconduct and/or the harm arising from it.</p> <p>77. Sanctions should, where appropriate, be educational, developmental and progressive</p> <p>78. Sanctions that can be imposed by a Student Conduct Panel include those stated in the <i>Queen's University Student Code of Conduct, 2016</i>, the</p>

	<p><i>Residence Student Conduct process ("ResRules") and/or the Athletics &amp; Recreation Non-Academic Discipline Judicial Process (Discipline Policy), as applicable, but do <u>not</u> include a requirement to withdraw. If a sanction from the ResRules or the Athletics &amp; Recreation Discipline Policy is imposed, the senior administrator in the applicable office shall be notified of the sanction and will be responsible for ensuring the Student satisfies the sanction on a timely basis.</i></p>
<p><i>Timing of Sanction(s)</i></p>	<p>79. A Student Conduct Panel can recommend to the Provost that a Respondent be required to withdraw from studies at the University. The Provost can endorse the recommendation and require the Respondent to withdraw from studies at the University. The requirement to withdraw may be limited to a specified period of time. In the event that a Respondent is Required to Withdraw, their transcript will bear a notation, during the period for withdrawal, indicating that the Respondent was required to withdraw from the University for Non-academic Misconduct.</p> <p>80. If the panel intends to impose a sanction provided for in either the <i>ResRules</i> or the <i>Athletics &amp; Recreation Non-Academic Discipline Judicial Process (Discipline Policy)</i>, it must consult with those offices before making a decision on sanction(s).</p> <p>81. Sanctions will not normally be put into effect until a Respondent has either exhausted all internal channels of appeal, or the time for filing an appeal has expired. The NAM Intake Office will advise the Case Manager when the time for filing an appeal has expired.</p> <p>82. Any interim measures will continue during the appeal period unless the Panel's decision indicates otherwise.</p> <p>83. Notwithstanding Paragraph 81, in exceptional circumstances where the Student Conduct Panel is satisfied that the interests of the University, other Students, faculty, staff or other member of the University community could be significantly adversely affected, the Panel can order that a sanction(s) be put into effect immediately.</p>
<p><i>Appeal of Immediate Sanction(s)</i></p>	<p>84. A Respondent who is subject to immediate sanction(s) under Paragraph 83 can appeal that decision to the Chair of USAB by filing a completed <i>Notice of Appeal</i> with the Secretary of USAB on or before the deadline for appeal stated in the Panel's decision.</p> <p>85. The Chair of USAB will hear and decide the appeal within 2 business days after the date of its filing. The immediate sanction issued by the Student Conduct Panel will not take effect until the Chair of USAB decides the matter.</p>
<p><i>Appeal from Student Conduct Panel Decision</i></p>	<p>86. A party to a proceeding before a Student Conduct Panel can appeal the Panel's decision, or an endorsement of a Requirement to Withdraw, to the USAB on any ground(s) permitted by, and in accordance with the appeal procedure outlined in, the <i>Senate Policy on Student Appeals, Rights and Discipline</i>.</p>
<p><b>ADDITIONAL MATTERS</b></p>	<p>87. <b>Additional Procedures:</b> If a procedural matter arises before or during a proceeding but is not specifically addressed in this Procedure, the Chair of a Student Conduct Panel can determine an appropriate procedure.</p> <p>88. Any matter of process or procedure not addressed by the Code or by this Procedure, but which might be necessary for the proper administration or management of the NAM System, can be established from time to time by the University Secretary, who has good and valid authority to do so. If the</p>

	<p>University Secretary exercises this authority, it must be reported to the next regular meeting of the NAM Sub-committee.</p>
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