

The Bader International Study Centre Procedure

Queen's BISC Conduct Procedures

PROCEDURE

Name:	Queen's BISC Conduct Procedures	
Contact:	Assistant Student Enrolment & Services Manager	
Purpose:	<p>Pursuant to the approval of the Queen's University Student Code of Conduct ("Code") by the Queen's University Board of Trustees, this Procedure details the processes for administering the Code.</p> <p>Pursuant to the approval of the Bader International Senior Management Team (SMT) this Procedure details the process for administering the BISC Community Standards ("Standards").</p>	
Procedure:		
Step:	Instructions:	Person(s) Responsible:
	<p>General Provisions</p> <ol style="list-style-type: none"> 1. Terms in this Procedure have the meaning given to them in the Code or BISC Community Standards, unless they are expressly defined otherwise in this Procedure. 2. The Code, BISC Community Standards, 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 licensing body, nor does it preclude Campus Security and Emergency Services staff from carrying out their responsibilities. 3. A Case Manager may divert a case from the NAM System, to be addressed under the University's <i>Student at Risk Policy</i> or other applicable University policies. 4. Cases involving sexual violence will typically be addressed under the <i>Policy on Sexual Violence Involving Queen's University Students</i> and its applicable procedures. 5. All Communications to students regarding non-academic misconduct will be sent to the student's Queen's email address. Attachments will be password protected. Communications may also be sent by registered mail or courier when appropriate. <p>Intake and Referral of Non-Academic Misconduct Cases</p> <ol style="list-style-type: none"> 6. Cases of non-academic misconduct must be reported to the ASESM on an Incident Report form. 7. The ASESM will refer cases to a Case Manager, which will usually be the ASESM, but can also be the Student and Enrolment Services Manager (SESM) or any Queen's Non-Academic Misconduct (NAM) Unit. The referral decision is final and is not subject to review or appeal. 	<p>ASESM</p> <p>ASESM</p>



	<p>8. Every NAM Unit receiving a referral from an ASESME shall assign the case to a Case Manager.</p> <p>9. If the ASESME is unavailable, the ASESME delegate has full authority to make any decision that the ASESME is entitled to make under the Code, the BISC Community Standards, or this Procedure.</p>	Case Manager
	<p>Elements of Procedural Fairness</p> <p>10. All non-academic misconduct cases managed by the ASESME, SESME, a NAM Unit, or a Conduct Panel will follow the elements of procedural fairness, namely Respondents have the right to:</p> <ul style="list-style-type: none"> a) Be advised, in writing, of the allegations; b) Have a case heard and decided by an unbiased decision-maker; c) Formal written notice of any adjudication date; d) Disclosure of the evidence and information to be relied upon by the other party in the case; e) An advisor, including the assistance of a University Dispute Resolution Advisor or legal counsel; f) Present evidence and arguments in response to an allegation of non-academic misconduct; g) Be provided with written reasons for the decision(s) made in their case. 	ASESM
	<p>PROCEDURES FOR CATEGORY 2¹ NON-ACADEMIC MISCONDUCT</p> <p>11. Alleged Category 2 cases are referred to the ASESME for case management.</p> <p>12. If a Case Manager becomes aware that a proceeding has commenced outside of the University (e.g. police report, civil process), the Case Manager will advise the Vice Provost and Executive Director or delegate, who will first determine whether it is appropriate to defer the case.</p>	Case Manager Case Manager
	<p>Interim Measures</p> <p>13. According to the Code, the University retains the right to implement interim measures. Interim measures, if any, will be communicated by the Case Manager following initial review of the Incident Report. Interim measures that may impact a</p>	

¹ Procedures for Category 1 Non-Academic Misconduct are outlined in the BISC Community Standards Handbook.



	<p>the matter will be considered closed and the Case Manager will update the NAM record.</p> <p>22. Violation of Informal Resolution Requirements: If a Respondent fails to meet or satisfy any aspect of the informal resolution agreement, the agreement may be considered negated by the Case Manager, who may then:</p> <ol style="list-style-type: none"> a. Impose any action outlined in the agreement for failure to fulfill the agreement and/or; b. Agree to amend the agreement (e.g. extend the deadline(s)) or; c. Refer the case to adjudication for a decision on the appropriate sanction for the non-academic misconduct <i>and</i> for breach of the informal resolution agreement. <p>Formal Investigation</p> <p>23. If the Case Manager determines that no informal resolution is appropriate or possible, then the Case Manager may initiate an investigation to determine if further action is warranted. Normally, the investigation should start within 15 business days after the receipt of the Incident Report.</p> <p>24. The Case Manager may engage an external investigator, in consultation with Executive Director and Vice Provost, as appropriate.</p> <p>25. An investigation will typically include:</p> <ol style="list-style-type: none"> a. Interviewing the Complainant(s) after sending a Notice of Investigation (NOI); b. Interviewing relevant witness(es); and, c. Interviewing the Respondent(s). The Case Manager must send Notice of Investigation (NOI) to each Respondent, which shall: <ol style="list-style-type: none"> i. Provide each Respondent with specifics of the allegation(s) against them; ii. Invite the Respondent to meet with the Case Manager and/or provide a written response to the allegation (no sooner than 3 days after NOI was sent); iii. Advise the Respondent of the right to have an advisor present at all meetings during the investigation; iv. Advise the Respondent that any retaliatory conduct is itself Category 2 Non-Academic Misconduct, subject to sanction; 	Case Manager
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	<p>v. Advise the Respondent that if the Case Manager receives no response to the NOI, the Case Manager will:</p> <ol style="list-style-type: none"> 1. Proceed with an investigation 2. Draw any reasonable conclusions based on the information that is available; and, 3. Impose sanctions as appropriate based on available information. <p>26. As part of an investigation, the Case Manager is entitled to 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, administrators, and staff), or who have specific expertise with regard to the substance of the allegation (e.g. 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 will instruct all persons interviewed that:</p> <ol style="list-style-type: none"> a. The interview/investigation process is confidential and as such, 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 other support person; and, b. Failure to abide by this confidentiality requirement will compromise the integrity of the investigative process and constitutes Category 2 Non-Academic Misconduct. <p>29. Insufficient Information for Category 2 NAM: After the investigation is completed, if the Case Manager concludes that the information does not support a finding of Category 2 Non-Academic Misconduct, the Case Manager shall send a written notice to the Respondent(s), the Complainant (as appropriate), and update the NAM record to indicate:</p> <ol style="list-style-type: none"> a. That the information does not support a finding of non-academic misconduct (the Case Manager will close the case); or, b. That the information supports a finding of Category 1 Non-Academic Misconduct and any appropriate sanctions; or c. That the matter is being referred to another NAM unit for disposition as appropriate. <p>30. Sufficient Information for Category 2 NAM – Finding of Responsibility: After an investigation is completed, if the Case Manager concludes the information supports a finding of Category 2 Non-Academic Misconduct and the Case Manager</p>	<p>Case Manager or Appeal Body</p>
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	<p>has determines that an informal resolution either is not appropriate or cannot be reached, the Case Manager may assign outcomes, sanctions, or requirements as deemed remedial.</p> <p>Sanctions and Sanctioning</p> <p>31. Sanctions must be proportionate to the misconduct and/or the harm arising from it.</p> <p>32. The factors to consider in determining sanction(s) include:</p> <ol style="list-style-type: none"> a. The impact or harm of the misconduct on: <ol style="list-style-type: none"> i. The complainant, if any; ii. The University community; and, iii. The University. b. The presence of mitigating or aggravating factors, including a Respondent's record of non-academic misconduct (which will be made available to the Appeal Body only after their have decided to uphold a finding of responsibility) <p>33. Sanctions that can be imposed by a Case Manager or Appeal Body include those stated in the Code and BISC Community Standards, as applicable, but do not include a requirement to withdraw.</p> <p>34. A Case Manager can recommend to a Student Conduct Panel that a Respondent be required to withdraw from the University. The Student Conduct Panel can hear the case and endorse the recommendation of requirement to withdraw to the Vice Provost and Executive Director. The requirement to withdraw may be limited to a specified period of time (i.e. suspension) or permanent (i.e. expulsion). In the event that a Respondent is required to withdraw, their transcript will bear a notation as outlined in the <i>Policy on Transcript Terminology for Students Withdrawing from Queen's University</i>.</p> <p>35. Sanctions will not normally be put into effect until the Respondent has exhausted their appeal option, or the appeal deadline has expired without an appeal being filed. The ASESME will advise the Case Manager when the time for filing an appeal has expired.</p> <p>36. Interim measures will continue during the appeal period unless the Case Manager's decision indicates otherwise.</p> <p>37. Notwithstanding Paragraph 36 and the provisions in the Senate Policy on <i>Student Appeals, Rights and Discipline</i> the address "Effective date of Sanction, Penalty, or Requirement to Withdraw", if the Case Manager is satisfied that the safety or wellness of member(s) of the University community could be significantly adversely affected, the Case Manager may direct that sanction(s) be effective immediately.</p>	<p>Case Manage, Student Conduct Panel, & Vice Provost and Executive Director</p> <p>ASESM</p> <p>ASESM</p> <p>Case Manager</p>
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	<p>d. The Respondent(s) will have an opportunity to respond to the investigation report and call their witness(es);</p> <p>e. The University representative will be given an opportunity to question the Respondent(s) and witnesses of the Respondent(s);</p> <p>f. The Respondent(s) will then be permitted to address any new points that arose from questioning;</p> <p>g. Parties make closing statements and summarize their cases. Both the alleged non-academic misconduct and the submissions on appropriate sanctions (in the event the finding of responsibility is upheld) should be addressed in the closing statements.</p> <p>55. The Appeal Body can alter the Order of Proceeding described above in the interests of fairness.</p> <p>56. The Appeal Body retains discretion to extend or abridge time limits as circumstances may require (e.g. during exams, winter closure).</p> <p>Decision</p> <p>57. The standard for determining whether a student has violated the Code is on a balance of probabilities (i.e. more likely than not).</p> <p>58. If an Appeal Body is more than one person, a decision will be based on the majority of its members.</p> <p>59. Every decision of an Appeal Body must include a statement about the finality of the decision.</p> <p>60. Notification of Decision: The Appeal Body will notify the parties and the ASESME in writing of its decision, including reasons for the decision and sanction(s), within ten (10) business days of the appeal date.</p> <p>Appeals – Special Cases</p> <p>61. Appeals of Immediate Sanction(s): A Respondent who is subject to immediate sanction(s) under Paragraph 38 can appeal by writing to standards@bisc.queensu.ac.uk, prior to the deadline for appealing the decision, requesting an expedited hearing to appeal the immediate imposition of the sanction(s).</p> <p>ADDITIONAL MATTERS</p> <p>62. Additional Procedures: If a procedural matter arises before or during adjudication but is not specifically addressed in this Procedure, the Adjudicating Body can determine an appropriate procedure.</p> <p>63. Records and Information Management: See Appendix B</p>	<p>Student Conduct Panel and Appeal Body or Administrator</p> <p>ASESM</p> <p>Student Conduct Panel and Appeal Body or Administrator</p>
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Appendix A: Student Conduct Panel and Appeal Body

1. The Vice Provost and Executive Director or delegate will appoint 1 member of the current BISC student body, 1 faculty member, and 1 staff person to serve on the Student Conduct Panel and Appeal Body.
2. The Vice Provost and Executive Director or delegate reserves the right to remove individuals from the panel for any cause that would bring the credibility or the fair administration of the adjudicative process into question.
3. Appointments to the Student Conduct Panel and Appeal Body will take into consideration availability of individuals, subject matter expertise, experience, and need to avoid bias or conflict of interest.
4. The Student Conduct Panel and Appeal Body will appoint a Chair. The Chair must be someone with experience on a university decision making body and/or who has experience in student conduct matters. The Chair shall be responsible for deliberations, procedural related matters and decisions, and ensuring that a decision is made in a timely fashion.
5. Student Conduct Panel and Appeal Body members must not receive unilateral communications from a party and must not communicate unilaterally with a party.
6. Members will receive training in non-academic misconduct issues from the ASESMS and other University resources as appropriate.
7. Upon receipt of the case materials, a Student Conduct and Appeals Body Member who feels they have a conflict of interest must advise the ASESMS immediately, and the ASESMS will communicate to the Vice Provost and Executive Director or delegate the need to appoint an alternative Panel Member for the specific case.
8. A Respondent who believes a Student Conduct Panel and Appeals Body member has a conflict of interest must advise the ASESMS not less than 5 business days prior to the adjudication date. The ASESMS will refer the matter to the Vice Provost and Executive Director, or delegate, for a decision.

Vice Provost &
Executive
Director

ASESM

Student
Conduct &
Appeals Body
Members,
ASESM, &
Executive
Director and
Vice Provost

Respondent,
ASESM, &
Executive
Director and
Vice Provost



then the Case Manager will advise the ASESME, noting the sanction(s) the Student failed to complete. The ASESME will refer the matter as a Category 2 case of Non-Academic Misconduct.

- f. In cases where a finding of non-academic misconduct has been made and appealed, the case report must also include a copy of the written appeal decision.

3. Retention and Destruction:

- a. The Queen's University (Canada) Student Conduct Office will maintain all Case Records and related documentation for a minimum of 7 years following the date of decision in the case. Specific Case Records may be retained for a longer period.
- b. All Case Records and related documentation must be maintained, and destroyed, in compliance with the Ontario Freedom of Information and Protection of Privacy Act and United Kingdom of Great Britain and Northern Ireland Freedom of Information Act 2000 (c.36). Guidance is available from the University's Chief Privacy Officer.

Annual Statistics: Annual statistics on the NAM System, including a summary of the reported misconduct, the findings and any sanction(s), will be reported annually by the Queen's University (Canada) Student Conduct Office to the Audit and Risk Committee of the Board of Trustees in an anonymized format. Annual statistics of reported misconduct will be posted on the appropriate University webpage.



PROCEDURE

Definitions:	
Term:	Meaning:
Case(s)	An instance of a particular documented situation involving individuals, entities, & times.
Case Manager	Individual responsible for ensuring individuals, entities, & times outlined in cases are managed in accordance with the below policy.
Complainant(s)	The individual who alleges Non-Academic Misconduct to have taken place.
Respondent(s)	Any individual(s) named by the Complainant as responsible for Non-Academic Misconduct.
Witness(s)	Any individual(s) who may have direct or personal knowledge out the circumstances documented as part of a case.
University	Queen's University Canada & the Bader International Study Centre.
Adjudication	A process to find a formal judgement on a disputed matter.
Saction(s)	A penalty or required directive as a result of a finding of responsibility.
Non-Academic Misconduct	Any misconduct outlined in the Queen's Student Code of Conduct or BISC Community Standards or as outside of Academic Misconduct.

Date Approved:	03/02/2018
Approval Authority:	Student Enrolment & Services Manager
Commencement Date:	01/04/2019
Amendment Dates:	.
Date for Next Review:	14/05/2020
Related Documents:	Queen's Student Code of Conduct , BISC Community Standards , Students at Risk/Fitness to Study Policy and Procedures , Policy on Transcript Terminology for Students Withdrawing from Queen's University , Student Appeals, Rights and Discipline

