

Rules of Procedure for the Non-Academic Misconduct Appeal Panel

Approval: Senior Leadership Team

Responsibility: Provost and Vice-Principal (Academic)

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1. Preamble

The purpose of these Procedures is to provide information about the role and rules of procedure for the Non-Academic Misconduct Appeal Panel (NAM Appeal Panel) to those involved in an appeal of a Non-Academic Misconduct (NAM) decision.

The NAM Appeal Panel is intended to have a relatively narrow jurisdiction for dealing with NAM appeals, recognizing that decisions should be generally made by those who are most familiar with the context. The NAM Appeal Panel is an important part of the NAM system to support students in receiving a fair process and in being aware of their rights and responsibilities; and, to establish a fair, efficient process for addressing student appeals from a NAM decision.

NAM decision-makers will familiarize themselves with these Procedures in order to advise students of their rights and responsibilities as they relate to the appeal process, including the right to appeal a decision and to seek independent support or legal advice.

For additional information on appeals that cannot be appealed to the NAM Appeal Panel, please review the internal appeal procedures for the applicable NAM unit (e.g. Athletics & Recreation, Residence).

2. Scope

These Procedures provide the rules that apply to NAM Appeal Panels and appeal proceedings, and the requirements that apply to any Appellant who is seeking to appeal a decision under:

- a) the [Student Code of Conduct](#);
- b) a NAM decision that imposes the sanction of Removal from Residence; and/or
- c) a Major infraction under the [Athletics & Recreation Non-Academic Misconduct Policy](#).

Notwithstanding the provisions contained in the Senate Policy on Student Appeal, Rights and Discipline Policy, appeals that fall within Scope of these Procedures shall be heard by a NAM Appeal Panel in accordance with these Procedures and there shall be no appeal to the University Student Appeal Board from the decision of a NAM Appeal Panel.

A NAM Appeal Panel has no jurisdiction to hear appeals of decisions made under the [Policy on Sexual Violence Involving Queen's University Students](#).

3. Definitions

- a. **Advisor:** is a more formal type of Support Person, such as a legal counsel. Students who are facing serious incidents of NAM are encouraged to consider obtaining advice from legal counsel or other legal advisor of their choosing. Even where a student has retained the assistance of an Advisor, the NAM Appeal Panel retains the right to address the student directly; moreover, the student's Advisor is ordinarily not permitted to answer questions on the student's behalf in a NAM Appeal

Proceeding.

- b. **Appellant:** The Appellant is the student who is seeking to appeal a decision from a NAM decision-maker or adjudicating body.
- c. **Chair:** The Chair of the NAM Appeal Panel is a senior administrator who, due to the nature of their position, has the expertise, knowledge, and responsibility for student safety and/or wellbeing.
- d. **NAM Appeal Panel:** The NAM Appeal Panel is the final internal decision-making body for NAM appeals and will typically consist of a three-person panel (with at least one student) selected from a roster maintained by NAMIO.
- e. **Non-Academic Misconduct Intake Office (NAMIO):** is the office responsible for the intake and assessment of Non-Academic Misconduct Complaints and manages the intake and processes associated with a NAM Appeal. This includes maintaining the Roster of individuals eligible to serve on a NAM Appeal Panel.
- f. **Respondent (to an Appeal):** is normally the University Representative or delegate of the decision-making body or decision-maker who had initial responsibility for making the decision or commencing the proceeding that resulted in the decision under appeal.
- g. **Support Person:** an individual whose role is to provide emotional support and assistance to the student in understanding the information being provided with respect to the NAM processes.
 - i. An Appellant may select a Support Person of their choosing provided that person has not previously been involved in any decision-making relevant to the appeal and will not be, nor have the potential to be, a witness in the Appeal proceeding. A person who attends a NAM Appeal Proceeding as a Support Person cannot provide evidence or be a witness.
 - ii. When a Support Person accompanies a student, they generally do not have a speaking role and are not present to advocate, represent, or speak on behalf of, the student.
 - iii. The University Ombudsperson cannot fulfill the role of a Support Person but is available to students provide information and/or clarity about any University policy or procedures.
- h. **University Representative:** The University Representative is the individual assigned to represent the NAM decision being appealed. Typically, this person is a representative from the Student Conduct Office, Residence, Athletics & Recreation, or Authorized Agent.

4. Grounds for Appeal

- a. The NAM Appeal Panel's primary role is to uphold the principles of procedural fairness. Accordingly, the grounds for an appeal to the NAM Appeal Panel are

limited to the following:

- i. Breach of Procedural Fairness includes:
 1. The decision-maker was biased or had a conflict of interest that prejudiced the student;
 2. The decision-maker misapplied and/or failed to follow applicable rules, regulations, or university policy in a way that prejudiced the student's right to a fair process;
 3. The decision was unreasonable. A "reasonable" decision is one that is rational, in that its findings (i.e. determination of responsibility) are based on evidence before the decision-maker, it is thought-out and supported by the facts and logical inferences from those findings of fact. To be reasonable, the decision must contain adequate reasons for the conclusions. A decision should be upheld if it falls within a range of possible and acceptable outcomes, in which case the Appeal Panel is not permitted to substitute its opinion for that of the decision-maker whose decision is under appeal.
- ii. The decision-maker whose decision is being appealed acted without authority or exceeded their jurisdiction.

5. NAM Appeal Panel

- a. NAMIO will compile a roster of individuals to serve on the NAM Appeal Panel. The process will include advertising the role through various mediums at the university.
- b. **Eligibility:** Appointment to a roster for the NAM Appeal Panel is at the university's discretion but students appointed must minimally be in good standing within the NAM system and in good academic standing (a GPA over 65%).
- c. The university can remove individuals from the roster for any cause that would bring the credibility or the fair administration of the appeal process into question. The decision to remove an individual from the roster is final¹ and not subject to any appeal.
- d. **Chair:** Typically, the Chair of the NAM Appeal Panel will be a senior administrator. NAMIO will appoint the Chair. For cases involving a Requirement to Withdraw² the Provost and Vice-Principal Academic or their delegate will act as Chair.
- e. Appointments for the remaining NAM Appeal Panel members will be done by NAMIO and will take into consideration availability of individuals, subject matter expertise, experience, and need to avoid bias or conflict of interest.

¹ Additional information on an appointment to the NAM Panel and removal is included in the Letter of Appointment.

² As defined by the Student Code of Conduct and any other relevant university policies and procedures.

- f. **Training:** Training will be provided at least annually to members of the NAM Appeal Roster and will be coordinated by the NAMIO and the Office of the Assistant Dean, Support Services & Community Engagement.
- g. **Roster:** The roster for NAM Appeal Panels will be maintained by NAMIO who will ensure compliance with any requirements related to eligibility, training, and good standing.
- h. NAM Appeal Panel members must not engage in any unilateral communications with a party to an appeal. All communication to the Panel by a party must be directed to the Chair and must at the same time be copied to the other party. The Chair, will respond in writing to both parties.
- i. The Chair of the NAM Appeal Panel may make procedural decisions concerning the conduct of the appeal. The Chair, on behalf of the NAM Appeal Panel, has the discretion to modify these procedures in the interest of procedural fairness and is the final decision-maker on any related process or procedural requests. The Chair may also make procedural rulings on matters that arise but are not covered by these Procedures. The Chair may consult with University legal counsel as appropriate.

6. Conflict of Interest

- a. Upon receipt of the appeal materials a NAM Appeal Panel member who feels they have a conflict of interest must advise NAMIO immediately so that an alternate panel member can be appointed.
- b. An Appellant who believes a member of the NAM Appeal Panel has a conflict of interest must advise NAMIO **no less than five (5) business days prior** to the appeal proceeding date. NAMIO may consult with University legal counsel to determine the appropriate course of action.

7. Submitting an Appeal

- a. A student who wishes to appeal a NAM decision under the scope and jurisdiction of the NAM Appeal Panel must submit a [Notice of Appeal](#) and all supporting documentation to NAMIO by email at centralnam.office@queensu.ca.
- b. The Notice of Appeal and any supporting documentation **must** be submitted by 4:30pm on the date of the appeal filing deadline.
- c. **Deadline for Appeal:** Except in cases where an Immediate Sanction has been imposed (See below), the deadline for submitting a Notice of Appeal for NAM decision (to the NAM Appeal Panel) is **ten (10) business days** after the date of the decision being appealed. The prior decision-maker must communicate this deadline in their decision letter.
- d. **Immediate Sanction:** Where a decision-maker is satisfied that the safety and well-being of member(s) of the University community could be significantly adversely

affected, the decision-maker may determine that sanction(s) will be effective immediately, meaning prior to the appeal deadline expiring or an appeal being heard. (this is referred to as an "Immediate Sanction").

Pending a decision on the appeal of an Immediate Sanction(s), the Immediate Sanction(s) will apply, unless otherwise determined by the Chair of the Appeal Panel.

- e. **Expedited Appeal:** If an Immediate Sanction is imposed, a request for an Expedited Appeal proceeding can be submitted to NAMIO at centralnam.office@queensu.ca. The written request must reach NAMIO **by 4:30pm on the third (3rd) business day after the decision being appealed was issued.**

For example: if a decision was issued on Monday, a request for an Expedited Appeal must be received by NAMIO no later than 4:30pm Thursday.

A request for an Expedited Appeal will be heard as follows:

- i. NAMIO will determine an appropriate Chair and forward the request. The Chair will determine whether or not an Expedited Appeal will be granted.
 - ii. If an Expedited Appeal is granted, the Chair will determine if the Immediate Sanction will be suspended pending the expedited proceeding.
 - iii. Expedited appeals are generally only considered when there is a potential to impact a student significantly and adversely. For example, a student's living accommodation (e.g. Removal from Residence), significant impact on athletics (e.g. team suspension, removal from a varsity team) or significant impact on their academics (e.g. delaying graduation).
 - iv. Expedited appeals may be heard through written submissions at the discretion of the Chair.
 - v. An Expedited Appeal will typically be convened within **three (3) business days** after an Expedited Appeal is granted; it will be heard by the Chair.
- f. **Appeal Deadline Extension Requests:** Appeals received after the appeal deadline will not be processed. Should there be extenuating circumstances beyond the student's control that prevented an appeal from being submitted within the deadline, the student may submit a request for an extension to NAMIO, **with a copy to the other party to the appeal**. Extension requests will only be considered if the request is submitted before the original appeal deadline has expired. The Respondent to the appeal shall receive notice of the request and have the option to submit a reply to the Chair within a timeline determined by the Chair. The decision to approve an extension request is at the discretion of the Chair and is not appealable. The Chair will communicate their decision to both parties.
- g. **Notice of Appeal:** The Notice of Appeal must indicate the grounds which the appeal is being submitted and the remedy sought. Grounds for the appeal are limited to

those grounds outlined in Section 4 of these Procedures.

- h. **New Information:** If a student's appeal contains new information about something they claim may have affected the NAM decision, through no fault, delay or omission of the student, was not known or was not available to the student at the time the prior decision was made, NAMIO reserves the right to stay an appeal and forward any new information to the prior decision maker for reconsideration. NAMIO will receive a written decision on the reconsideration before further processing the appeal.
- i. NAMIO may stay the processing of appeal if the submission is incomplete or untimely.
- j. If the Notice of the Appeal is incomplete, NAMIO will notify the Appellant and shall include the reasons for staying the processing of appeal and, if appropriate, the requirements for continuing with the appeal process by a stated deadline.
- k. Once an appeal has been accepted by NAMIO, an Appeal Panel will be established and a Chair will be selected by NAMIO from amongst members of the Roster.
- l. NAMIO will provide a copy of the appeal and all submitted documentation to the Respondent to the appeal. This will typically be sent through the case management system or to the recipient's Queen's email address with password protected attachment(s).
- m. **Respondent Reply Deadline:** The Respondent will have no less than **ten (10) business days** after the date the appeal information was forwarded to submit a reply to NAMIO. If a reply is not received by the stated deadline, the appeal process may proceed at the discretion of the Chair. The Respondent may submit a request for an extension in filing their response to NAMIO, *with a copy to the other party to the appeal*. Extension requests will only be considered if the request is submitted before the original appeal deadline has expired. The decision to approve an extension request is at the discretion of the Chair and is not appealable. The Chair will communicate their decision to both parties.
- n. **Pre-Proceeding Disclosure:** NAMIO will provide a copy of the Notice of Appeal, Respondent's submission and any additional submitted documentation to the NAM Appeal Panel members via Queen's email and password protected attachment(s) or through another approved secure system.
- o. NAMIO will ensure both the Appellant and the Respondent have received pre-proceeding disclosure no less than **five (5) business days** prior to the date of the appeal proceeding. Further disclosure may be directed by the Chair as appropriate.
- p. After receiving disclosure, the Respondent may make a motion for summary dismissal of the appeal if believed to be outside the jurisdiction of the NAM Appeal Panel.

8. Provisions Pending an Outcome to an Appeal

- a. **Interim Measures:** Interim measures will continue during the appeal period unless the decision indicates otherwise. The Respondent may request that the Chair impose additional interim measures pending an appeal should circumstances warrant such recommendation.
- b. **Effective Date of Sanctions:** Except in the case where an Immediate Sanction has been imposed, sanctions will not normally be put into effect until the student has exhausted their appeal option(s), or the appeal deadline has expired without an appeal being filed. NAMIO will advise the decision-maker when the time for filing an appeal has expired.

9. NAM Appeal Proceeding

- a. **Purpose:** The purpose of the Appeal Proceeding is to enable the NAM Appeal Panel to understand the grounds for the appeal, to seek clarification from the parties, and to decide whether to uphold the decision and any outcomes or sanctions.
- b. **Format & Structure:** The NAM Appeal Panel may elect to consider an appeal on the basis of written materials only, where appropriate for the circumstances (e.g. when requested by a party, restrictions with schedules). However, the Appellant may elect an oral Appeal Proceeding or the NAM Panel may exercise their discretion to convene an oral Appeal Proceeding with the parties even where a written submissions proceeding has been requested.
- c. **Notice of Appeal Proceeding:** NAMIO, on behalf of the NAM Appeal Panel, shall give the parties reasonable notice of the Appeal Proceeding. A **Notice of Appeal Proceeding** will include:
 - i. The date, time, location or login instructions (if required);
 - ii. A statement that, if the party notified does not attend the proceeding, the NAM Appeal Panel may proceed in the party's absence and the party will not be entitled to receive any further notifications about the Proceeding and will have no further right to appeal; and,
 - iii. Unless otherwise determined by the Chair, the parties will be informed the appeal proceeding is private (i.e. closed) and only the parties and their Advisors (including legal counsel) or Support Person may attend.

10. Procedure for Appeal Proceeding

- a. The Chair controls how the proceeding will be conducted, but ordinarily will follow the below procedure:
 1. The Chair will make opening remarks and comments.
 2. The Appellant will give a statement to set out their position based on the grounds for their appeal, including their position on any finding or sanctions in the original decision.

3. The Respondent will give a statement to set out their position based on the grounds for the appeal, including their position on any finding or sanctions in the original decision.
4. The NAM Appeal Panel may pose questions to the Respondent and the Appellant.
5. Closing remarks from the Chair.

11. Informal Resolution of a NAM Appeal

- a. At any stage after an appeal has been submitted, the parties may engage in discussions (outside of the formal appeal proceeding) for the purpose of resolving the appeal.
- b. An appeal may only be informally resolved with the agreement of all parties.
- c. At no point shall informal resolution discussions unreasonably delay an appeal proceeding.
- d. The Chair will have final discretion on when a formal appeal proceeding will commence if informal discussions have not resulted in an agreed to resolution.
- e. If the parties come to an informal resolution the Chair shall dismiss the appeal and issue a written decision referencing that fact that the parties reached a resolution.

12. Decisions of NAM Appeal Panel

- a. The NAM Appeal Panel is the final internal body for NAM appeals at the university.
- b. **Timeline for Decision:** The NAM Appeal Panel shall ordinarily issue a written decision, with reasons, to the Appellant and the Respondent **within seven (7) business days** after the proceeding concluded.
- c. The NAM Appeal Panel may deny the appeal and uphold the prior decision, or they may allow the appeal in whole or in part.
- d. **Sanctions:** If the student has appealed the sanction(s), and the NAM Appeal Panel determines it is appropriate to alter the original sanction(s) imposed, they must do so based on the principles of "reasonableness" discussed in Section 4(a)(i)(3) and can only do so after giving both parties an opportunity to comment on the proposed alternate sanction(s). Sanctions will be put into effect with the assistance of the original NAM decision-maker where appropriate.
 - i. If the original sanctions are modified by the NAM Appeal Panel, the NAM Appeal Panel will refer to the Student Code of Conduct, Residence Community Standards, and Athletics & Recreation Non-Academic Misconduct Policy to determine alternate available sanction(s). If the Appeal Panel needs clarification on a proposed alternate sanction(s) the Chair may seek clarification from the appropriate NAM Unit.

13. No Reimbursement

- a. There shall be no fee for filing a NAM Appeal.
- b. Neither the NAM Appeal Panel nor any other NAM decision-maker in the University has the power to direct that a student receive compensation for any costs or expenses incurred in the course of any NAM based proceeding.
- c. The NAM Appeal Panel may order restitution only for lost or damaged university property as a result of any NAM matter (e.g. theft of university property, damage to university property). The NAM Appeal Panel may not order restitution for loss or damage suffered by any other person or entity.
- d. Notwithstanding 13(b), the NAM Appeal Board may order that a student receive reimbursement for loss of a Queen's University bursary, scholarship, or similar funds because of a decision that was reversed on appeal. This remedy is available only if the student remains a student following the issuance of the NAM Appeal Panel's decision, or if the student graduated while their appeal was pending.

14. Related Policies, Procedures, and Resources

- a. [Student Code of Conduct](#)
 - i. [Procedures Under the Queen's University Student Code of Conduct](#)
- b. [Consolidated Residence Contract and Community Standards](#)
- c. [Athletics & Recreation Non-Academic Misconduct Policy](#)
 - i. [Athletics & Recreation Appeal Policy and Procedure](#)
- d. [Policy on Sexual Violence Involving Queen's University Students](#)
- e. [Harassment and Discrimination Prevention and Response Policy](#)
- f. [AMS Non-Academic Misconduct Policy and Procedures](#)
- g. [NAMIO website](#)
- h. [Student Conduct Office website](#)
- i. [Office of the University Ombudsperson website](#)
- j. [Queen's Legal Aid website](#)
- k. [Student Wellness Services](#)

Appendix A: Notice of Appeal Form

Section 1: Instructions

A student who wishes to appeal a Non-Academic Misconduct (NAM) decision that is within scope and jurisdiction of the NAM Appeal Panel must submit this form and all supporting documentation to the Non-Academic Misconduct Intake Office (NAMIO) by emailing centralnam.office@queensu.ca. There is no fee for this appeal.

Appeals must be received no later than 4:30 PM ET on the date of the appeal deadline.

Appeals received after the appeal deadline will not be processed.

Section 2: Student Information

First Name	
Last Name	
Student Number	
Queen's Email Address	
Phone Number	
Current Address	
City/Town, Province	
Postal Code	
Name of Support Person and/or Advisor	

Section 3: Decision Being Appealed

Decision Letter Date	
Name of Decision-Maker or Decision-Making Body	

Decision Type (please check box):

<input type="checkbox"/>	Student Code of Conduct
<input type="checkbox"/>	NAM decision that imposes the sanction of Removal from Residence
<input type="checkbox"/>	Major infraction under the Athletics & Recreation Non-Academic Misconduct Policy

Section 4: Grounds for Appeal

Please check all grounds (reasons) for appeal that you wish to have considered.

Breach of Procedural Fairness, meaning:

	The decision-maker was biased or had a conflict of interest that prejudiced the student;
	The decision-making body misapplied and/or failed to follow applicable rules, regulations, or university policy in a way that impeded the student's right to a fair process;
	The decision was unreasonable. A "reasonable" decision is one that is cogent and rational based on the factual record and logical interpretations of rules, regulations, or university policy relevant to the decision. To be reasonable, the decision-maker must provide adequate reasons for the conclusions made. A decision should be upheld if it falls within a range of possible and acceptable outcomes or sanctions.

And/or:

	The decision-maker whose decision is being appealed acted without authority or exceeded their jurisdiction.
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Section 5: Required Attachments

	A copy of the Decision Letter under appeal;
	Your Appeal Letter (see Section 7: Tips for Writing an Appeal Letter);
	Any supporting documents that you wish to have considered as part of your appeal.

Section 6: Signature

Student's Signature	
Full Name (please print)	
Submission Date	

The personal information collected on this form is collected under the legal authority of the Queen's University Royal Charter of 1841, as amended. The information collected will be used to make a decision regarding your appeal and to provide a response. This information will be retained in accordance with the Queen's Records Management Policy. If you have any questions or concerns about the information collected or how it will be used, please contact NAMIO at centralnam.office@queensu.ca.

Section 7: Tips for Writing an Appeal Letter

Good preparation will help you understand the decision in order to prepare a clear and thorough appeal. Review the decision letter carefully, as it will contain detailed information on the decision-maker's rationale and associated outcomes and sanctions. Reflect on the event and how your behaviour may have contributed. Read all relevant policies and procedures.

Your appeal letter should provide a detailed explanation of why you think the decision (i.e. finding and/or sanctions) should be overturned on appeal. Your appeal letter should also state what outcome or sanctions you are seeking.

You should include any relevant policies, procedures, or supporting documentation to help justify your position. Be sure to refer to the specific Grounds for Appeal in order to explain why the decision should be changed. Appeals will not be granted simply because you disagree.

The suggested length for an appeal letter is 1-2 pages, typed in a legible print size (i.e. Open Sans, size 11, or similar). If your letter is longer, consider if all of the information is factual and relevant to the issue at hand.

Appendix B: Timeline and Requirements for NAM Appeal Proceedings

Responsible Party or Body	Task and Requirements	Timeline
Appellant (Student)	Submit <i>Notice of Appeal</i> and all supporting documentation	Within 10 business after the date of the decision letter, by 4:30pm ET [s.7(c)]
Appellant (Student)	Appeal of Immediate Sanction and Request for Expedited Appeal	Submit by 3 rd business day after the decision letter by 4:30pm ET [s.7(c)]
NAMIO	Select Chair and other NAM Appeal Panel members	Upon receiving Notice of Appeal [s.7(i)]
NAMIO	Forward a copy of the appeal and all submitted documentation to the Respondent	Upon receiving Notice of Appeal [s.7(h)]
Respondent (University Representative)	Submit response to NAMIO	Within ten (10) business days after the date the appeal information was forwarded [s.7(k)]
NAMIO	Provide Pre-Proceeding Disclosure	No less than five (5) business days prior to the date of the proceeding [s.7(m)]
NAM Appeal Panel	Issue decision, with reasons, to parties	Within seven (7) business days after the proceeding [s.12(b)]