

The Interim Protocol

Non-academic Student Misconduct at Queen's

Until now, any case of alleged non-academic student misconduct was routed directly to the Alma Mater Society (AMS), Athletics and Recreation (A&R), Residences, or the Society of Graduate and Professional Students (SGPS). The interim protocol adds:

1. A Central Intake Office for all cases of non-academic student misconduct, reporting to the Office of the University Secretariat and Legal Counsel
2. A description of what constitutes university-level non-academic misconduct
3. A process within the Provost's Office for dealing with University-level non-academic misconduct cases

The Role of the Central Intake Office

A major part of the role of the Central Intake Office will be the management of initial case intake, consultation, diversion (as appropriate), referral, follow-up, and record keeping. Any case of alleged non-academic misconduct shall be referred in the first instance to the Central Intake Office, which will either refer it, as appropriate, to the AMS, A&R, Residences, the (SGPS), or the Provost's Office, or divert it, where appropriate, to the University's student-at-risk team.

When a case is referred, the system receiving it will, at the conclusion of its process, be required to report to the Central Intake Office, in a timely manner, the outcome of that case to ensure that the Central Intake Office fulfills its record-keeping function comprehensively.

A representative of the University Secretariat and Legal Counsel will chair an Interim Protocol Advisory Committee (IPAC), consisting of one representative from each of the AMS, A&R, Residences, the SGPS and the Provost's Office, together with the University Ombudsman and the individual responsible for the Central Intake Office. IPAC will receive reports from the Central Intake Office on all cases that have come into the office, and the summation of these reports will be provided to the Board of Trustees and Senate in December, 2015, and May, 2016.

University-level Non-academic Student Misconduct

Some of the more common forms of University-level non-academic student misconduct are:

- conduct by an individual student or a student group that would contravene any municipal, provincial or federal law whereby the safety and/or security (which includes physical, emotional or psychological impacts) of any person is or is likely to be at risk;
- cases of discrimination, harassment, hazing, sexual misconduct, serious assault of a non-sexual nature;
- selling, trafficking, providing or distributing illegal or controlled drugs or substances;
- possessing, storing or using and/or misusing any firearm, weapon, hazardous material or explosive substance;
- failing to comply with the direction of Campus Security and Emergency Services officers or University officials, or furnishing false information to a University official;
- tampering with fire and emergency equipment including, but not limited to, fire bells, fire extinguishers, fire hoses, disconnecting or blocking fire alarms, blocking or wedging open fire and smoke doors, blocking exit routes, stairwells and corridors, etc.;

- any alcohol-related violation of any of the University's policies or procedures whereby the safety and/or security (which includes physical, emotional or psychological impacts) of any person is, or is likely to be, at risk.

In addition, any other alleged violation of the University's policies or procedures that substantially affects, or is likely to substantially affect, student health and safety, will be automatically treated as University-level non-academic misconduct.

Finally, it is important to emphasize that the inclusion of sexual misconduct in the list above will have no effect on the development of a standalone sexual assault policy for the university.

Process for Dealing with University-level Non-academic Student Misconduct

Note: The description that follows is depicted diagrammatically in an appended figure.

The Provost's Office will initiate an investigative process to determine if there is sufficient *prima facie* evidence of misconduct to warrant further action. If there is sufficient evidence, the Provost's Office will send a notice of investigation to the Respondent (an individual, or, in the case of a student group, the student group leader(s)) alleged to have engaged in the University-level misconduct) that provides details of the allegations and invites the Respondent to meet with the Provost or his delegate and/or respond to the alleged misconduct in writing. If the Respondent ignores the notice, or refuses to meet with the Provost or his delegate after having been given a reasonable opportunity to do so, the Provost's Office may complete the investigation without input from the Respondent.

At the conclusion of the investigative process, the Provost's Office will prepare a report, a copy of which will be sent to the Respondent. If the respondent admits to the alleged misconduct, an informal resolution can be reached with the Provost's Office, without need of a hearing, in which case the Provost's Office may levy a sanction including, but not limited to, the sanctions outlined in the current Student Code of Conduct, and commensurate with the severity of the misconduct determined by the Provost's Office to have occurred. If the Respondent does not participate in the investigative process, or does participate but does not admit to the alleged misconduct, and if the Provost's Office is of the opinion that sufficient *prima facie* evidence of University-level misconduct exists, the case, including the report prepared by the Provost's Office and the recommended sanction, will be referred to a Student Conduct Panel consisting of one student, one member of staff, and one faculty member.

Sanctions imposed by the Student Conduct Panel will include, but will not necessarily be limited to, those outlined in the Student Code of Conduct. The Student Conduct Panel does not have the power to require a student to withdraw from the University; it may, however, recommend to the Provost (or, in his absence, the Principal) that a student be required to withdraw from the University. Any decision rendered by a duly constituted Student Conduct Panel will be subject to appeal to the University Student Appeal Board.

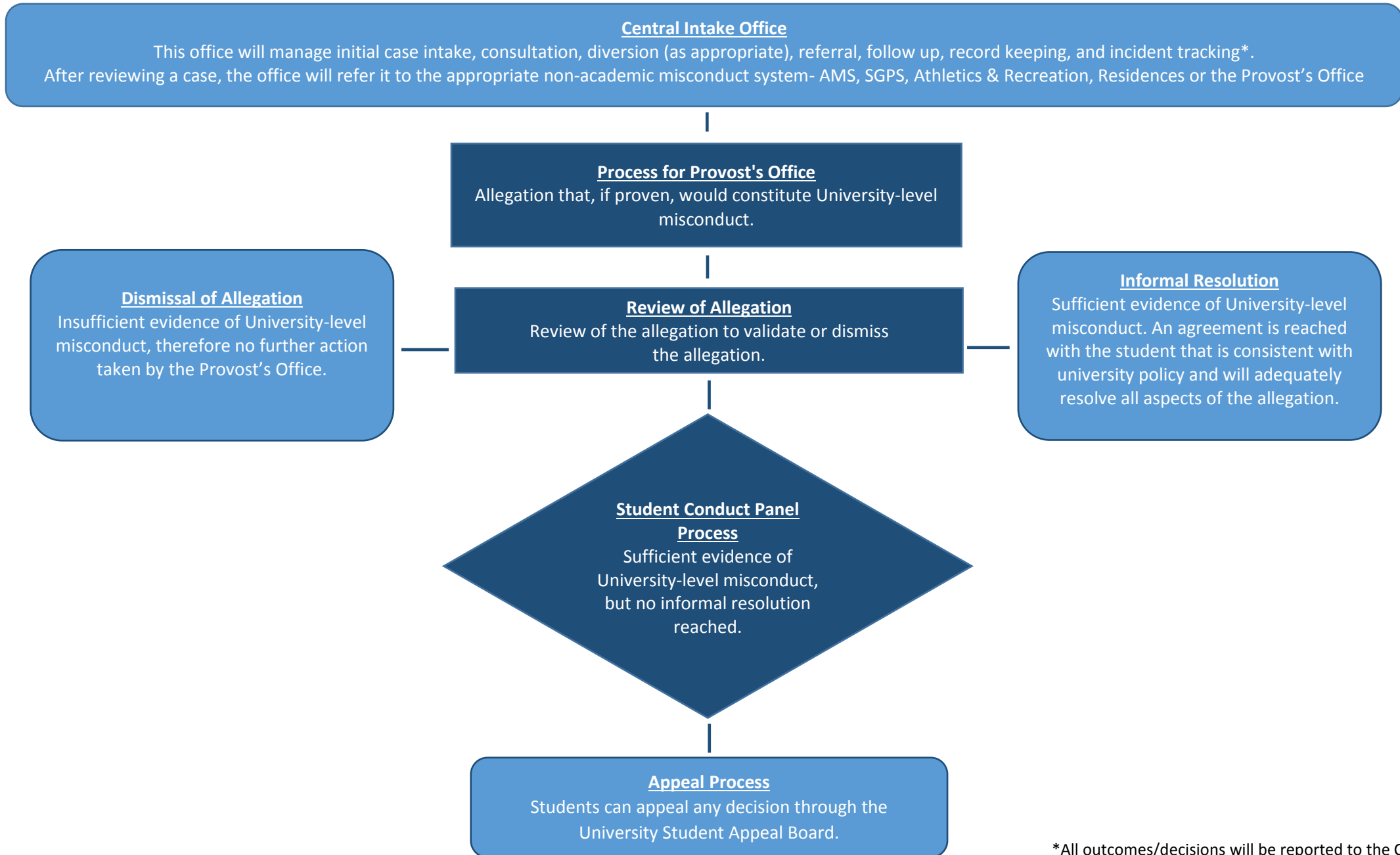
Queen's is committed to a developmental and educational response to student misconduct, and informal resolution will be pursued if possible and appropriate. The process for dealing with university-level non-academic student misconduct seeks to take into account the wellbeing of each student and the safety and wellbeing of the community, and encourages informal resolution, and educational and restorative sanctions whenever appropriate. When necessary because of unacceptable conduct, more severe disciplinary sanctions will be imposed to maintain a safe campus environment.

University-level Non-academic Student Misconduct that is also a Criminal Offence

All universities have a paragraph in their conduct policies that addresses this issue because it is clearly understood that universities have specific safety interests to protect that may be in addition to those considered under the criminal processes. For the duration of the interim protocol, Queen's will follow the provision below, which borrows heavily from other universities' codes of conduct for students.

The existence of this process does not preclude any member of the Queen's community from simultaneously pursuing criminal or civil options based on the same reported conduct, nor does it preclude Campus Security from carrying out its responsibilities. Proceedings under this process may be carried out prior to, simultaneously with, or following other off-campus processes, including civil or criminal proceedings. Normally, if a complaint has also resulted in criminal or civil proceedings against a student, the University will defer pursuance of the complaint until the conclusion, or partial conclusion, of such proceedings. In the interim, the University may institute terms and conditions that are appropriate in the circumstances (including interim suspension of the student) to ensure a safe campus environment.

Appendix



*All outcomes/decisions will be reported to the Central Intake Office