Report to the Audit and Risk Committee

Board of Trustees, Queen’s University

Re: Non-Academic Discipline (NAD) Process

May 15, 2015

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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.
I. Introduction

This review arises from recommendations made by the Director of Internal Audit of Queen's University (the University) to the Audit & Risk Committee of the University's Board of Trustees (the Board) in its report of September 14, 2014 on the Assessment of Internal Control Environment of the University (the Assessment). The Assessment was conducted with the assistance of PWC as part of an enterprise risk management exercise.

The Assessment identified a number of risks and made a number of observations with respect thereto. Noted second in its report was the following:

“Management and the Board of Trustees do not have authority over student non-academic discipline”.

The observation concludes: "Given the Board of Trustees’ responsibility to oversee the management of activities and affairs of the University, without the University's administration having authority over student non-academic discipline, they are limited in their oversight of one of the key risks facing the University – the health and safety of the students."

Following on that observation, the Assessment makes the following recommendation:

“Recommendation #2:
Given that the recommendations of the Non-Academic Student Discipline Review Committee were not adopted by the University, we recommend that the Audit and Risk Committee of the Board of Trustees initiate an independent review of the current policies/procedures in place over student non-academic discipline and related issues to identify any potential risks/exposures to the University and determine the availability of mitigating controls. Where no mitigation exists, the Audit and Risk Committee should determine whether, on behalf of the Board, any residual risk is acceptable to the University.”

This is the report of that independent review. My task as I have taken it is to look at the non-academic discipline (NAD) regime as a whole and to provide to the Audit and Risk Committee an opinion as to whether that regime, as it exists, presents legal and reputation risks for the University. I am to provide an identification and assessment of such risks, and if possible, propose steps which could be taken to mitigate them. I understand that I am not tasked to write or re-write policy or procedure 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.

I will refer throughout to the Non-academic Student Discipline Review as the “2012 NAD Review” and its report as the “2012 NAD Report”. The letter of Coroner Roger Skinner of May 26, 2011 to John Pierce, then Vice-Provost and Dean of Student Affairs, I will refer to as “the Coroner's letter”. There are numerous acronyms used by the University to describe processes and committees. I have tried to be consistent in this document with the uses of these acronyms most common within the University.
II. Process of Enquiry

I have been given access to what I understand are the documents framing the NAD regime at Queen’s. These have been provided to me by the University Secretary and by several others with whom I have met. With very few exceptions, these documents are in the public realm and were not given in confidence. I have attached a list of the non-confidential documents as Appendix A.

I have met in person or by telephone, in some cases more than once, either individually or in small groups with 31 individuals, all of whom are engaged with this issue from varying perspectives. These include administrators, academics and members of the Board of Trustees, the Senate, the Alma Mater Society (AMS) and the Society of Graduate and Professional Students (SGPS). A list of those individuals and their roles is attached as Appendix B.

I have been tasked to look at the policies and procedures for student non-academic discipline at sister universities in Ontario. I note that similar research was done in the course of the 2012 NAD Review and referenced in the Assessment. A chart of the results was attached to the 2012 NAD report and is an excellent reflection of policy and procedure elsewhere. I have therefore not repeated the research reflected in that chart, but have reviewed it to ensure its currency, and made additions to and omissions from it where I believe they are helpful. With full credit to the original authors, I attach a revised chart as Appendix C.

III. The Status Quo

In the course of my enquiry, I have come to appreciate the complications inherent in this issue for 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. 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 an outsider, coming to understand the NAD Process at Queen’s is difficult. The documentation reflects a system which is decentralized, in silos and sometimes inconsistent, contradictory and unclear. Materials posted on the University’s web site by both the University and the AMS reflecting the policies and procedures that make up the system have not been updated to reflect changes which have been made. The relevant materials are often difficult to find, and hard to understand. The system has been built by numerous individuals over time, in a way which makes it apparent that amendments and additions have been crafted piecemeal to respond to circumstances – sometimes political circumstances – with no recent efforts to take on the admittedly daunting task of addressing the system critically and as a whole.

To use an analogy, it is an old house, to which renovations have been made and rooms added as perceived needs arise with little thought to “flow”. Ideally this house would be better torn down and a new one built to suit contemporary life. However the inhabitants have not been able to agree on what they need, and when they have agreed, do not seem to be able to work cooperatively to complete the task.

That is not to say that a great deal of energy is not being expended on making change. There are currently several initiatives underway by the parties involved in the NAD system to address
student behaviour and the non-academic discipline process. Because of the level of risk in the
process as it now exists, the University cannot afford to stop these “renovation” activities while
time is taken (if it is to be taken) to redesign and re-build a more coherent structure.

Notwithstanding the concerns about the student peer discipline system expressed by many of
the individuals with whom I spoke, I do not believe that the University has the desire, nor does it
appear to believe it has the authority, to reclaim non-academic discipline from the AMS or
SGPS. In part this reluctance reflects a recognition that the peer adjudication system provides a
unique opportunity for Queen's students to exercise leadership, gain valuable skills, and for
many students working within the system, it is a way to earn money towards the cost of their
education. Generally the students involved take their responsibility very seriously and work hard
at it. Generally the community accepts the level of discipline that is meted out in all parts of the
system. However it is also generally agreed by all that improvement is both possible and
necessary.

The University seems to view itself as being unable to effect change because of the long history
of its delegating significant authority and power to student governments. While it is beyond the
mandate of this review, this is a key issue and in my opinion there is a need to examine the
underlying authority for the devolution, in first instance, of the non-academic discipline process
to the students and the corollary ability of the University to withdraw it in whole or in part should
it choose to do so.

In and of itself, my recommendation for such an examination is not intended to advocate for a
particular course of action with respect to the non-academic discipline process. However, it is
important for the University to understand the scope of its powers, whether it chooses to use
them or not. It is also important for the University to understand the implications for its own
liability, having delegated control over student discipline in the manner which it has. That being
said, for the purposes of this review, I proceed on the assumption that peer adjudication will
continue as an inherent part of the discipline system at Queen's.

There are numerous areas of the University and many individuals engaged in oversight of
student health and safety, including the system of non-academic student discipline: The Alma
Mater Society (AMS), the Society of Graduate and Professional Students (the SGPS), the
Provost and through him the several offices overseen by the Vice-Provost and Dean of Students,
the Residence Life Office, the Department of Athletics and Recreation, the University
Ombudsman, Campus Security and Emergency Services, the Deans of the Faculties through
their Faculty boards, the Senate and its Committees on Non-academic Discipline (SONAD) and
the University Senate Appeal Board (USAB); students serving as "student constables", hearing
officers, residence coordinators and Dons, and on Faculty, University and Senate special and
standing committees.

Within the NAD system there is adjudicative power lodged with Residence Life, Athletics and
Recreation, the Provost, AMS, SGPS, and the Faculties.

Except occasionally when there is confusion as to overlapping jurisdictions, there is agreement
and clarity on the role and responsibilities of the Residence Life system and the Athletics and
Recreation system. Both of these areas appear to have clear and effective processes in place to
handle incidents occurring in the residences, in the one case, and conduct issues arising out of
participation in recreational, intramural and varsity sport in the other.
The Residence Life system engages many students throughout its processes: for oversight of behaviour in the residence, and for first instance discipline of students. Residence Life administration retains administrative oversight and case management of the system. As the residence population is largely first year undergraduates and many are underage, the supervision of rules concerning alcohol takes place at a grass roots level. Student Dons (employed by the University) keep watch in specific areas. A Residence Society with its own infrastructure organizes and supervises social activities and, through student "residence facilitators", adjudicates minor offences. A panel of residence administrators adjudicates the more serious offences.

Athletics and Recreation takes responsibility over its processes, with limited student involvement in either the administrative or judicial functions. This has been accepted, I am told, because of the necessity of acting expeditiously when incidents of misbehaviour occur and because standards of best practice are mandated by national athletic associations and insurance coverage. Staff sometimes address individual behavioural issues directly with a student and have found it an effective way to prevent future incidents. I was told that because of concerns by AMS's insurer, a formal MOU has been established between the AMS and Athletics and Recreation pertaining to student discipline of sports clubs operated under the aegis of AMS.

In the absence of any specific assignment of responsibility to others, AMS and SGPS are acknowledged to be responsible in the first instance for the non-academic discipline of the student population. Both are now incorporated entities which have taken the step of including detailed sections in their respective governing documents establishing their jurisdictions and their discipline processes and procedures.

I have been informed by the President of the SGPS that it has “zero to two” disciplinary cases each year. I understand from the report recently provided to the Audit and Risk Committee of the Board by the AMS that in 2014 it had a total of 60 cases. Both systems are “complaint driven”, i.e. they do not act unless a complaint is made pursuant to their policies. They also subscribe to a model of “restorative justice”¹ with penalties designed to provide restitution and to educate as to the standard of behaviour expected of a Queen’s student.

While each of these systems takes its jurisdiction from the Queen's Code of Student Conduct and the Senate Policy on Student Appeals, Rights and Discipline (SARD), they interpret their jurisdictions differently. For example, AMS purports to exercise jurisdiction over certain criminal acts and events off campus and SGPS specifically excludes both of those categories of offence. The issue of the jurisdiction and the mode of operation of the disciplinary regime of these two student governments is the central issue of concern that gave rise to this review.

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¹ It is difficult to find a clear or consistent definition of “restorative justice” in the policies and procedures. The SGPS bylaws state only that “the imposition of community service is the most favourable sanction since restorative justice, restitution and conflict resolution are the goal of the SGPS Judicial Board” (p.11.4). The AMS description of Non-Academic Discipline states that “NAD is not a means of policing students but rather it is restorative in nature and works to repair damage done to the University's reputation." Section 5 Part A subsection 2 of the AMS Policy Manual Part 1 states “there are certain fundamental principles that govern the AMS non academic discipline system. Firstly, it is the goal of the system that students see justice done by other students in a manner that is in accordance with principles of fairness, natural justice and transparency. The system aims to restore the reputation of the University and justice to the community and individuals harmed…" There is no definition or mention of restorative justice in the SARD.
The SARD acknowledges the power of the vice-principal responsible for safety and security to issue a Notice of Prohibition in cases of emergency (17 (a)(v) and s. 36) and gives the Provost the ability to refer a disciplinary matter directly to the University Senate Appeal Board (USAB) “as long as the matter has not been heard by another body” (Section 17(c)). Since the Provost's involvement in the investigation of a complaint was challenged by AMS in a specific instance two years ago, there have been no cases brought directly to USAB by the Provost.

Faculty Boards have also been granted disciplinary jurisdiction over "non-academic discipline in an academic setting" but insofar as I have been advised by Deans, these boards have not been active in formal NAD processes, largely because of jurisdictional challenges and unclear definitions of their authority. Other than as members of Faculty boards or committees, Deans have no role in the process. Some Deans, notably those responsible for professional programs such as law, nursing and engineering, have engaged with individual students who have exhibited problematic behaviour. Their expressed intention in doing so has been to direct students for help if help appears to be needed, and in other less serious cases, to encourage such students to focus more on their studies. The Deans have done this outside of the NAD process and they too have had their jurisdiction to do so questioned by AMS.

The SONAD serves as Senate's policy and oversight committee, and the USAB as the body tasked with hearing appeals by students from decisions of local adjudicators.

Campus Emergency and Security Services is called frequently to deal with campus incidents. The department prepares reports which are sent for information to the area having jurisdiction over discipline in each case. This office also often serves as the complainant to the AMS on behalf of the University. There is no protocol in place for this department to communicate details of incidents of misconduct to the Vice Provost and Dean of Students, to Faculty Deans or to any persons not responsible for conducting disciplinary proceedings. While some arrangements have been made by Deans to receive reports concerning students in their specific Faculties, these arrangements are made individually, and somewhat “under the table”. In the past there have been claims made by the AMS/SGPS that given their first instance jurisdiction the University has no need to know of such occurrences, and that to circulate such information constitutes a breach of students' right of confidentiality.

The University Ombudsman sits as an observer on SONAD and from time to time assists the parties in understanding and drafting policies and procedures.

There is generally inconsistent and poor communication among these areas. There is no central repository of timely information on what disciplinary action is underway, and no sharing of specific information as to what penalties have been meted out and to whom. There is no consistent standard of record keeping for complaints and subsequent disciplinary action, no protocol for the general circulation of security or complainant reports on incidents of problematic behaviour. Each and all of these circumstances make it difficult to create an evidentiary record of the exercise of due diligence should one be needed in defence of the University in a legal action.

It is therefore possible to understand how students at risk could slip through the cracks, and how difficult it must be to be proactive in preventing or reducing incidents of risky behaviours which might lead to harm. It is also easy to conclude that the system as a whole, without change, presents a substantial legal and reputational risk for the University.
IV. The Risk Environment

Universities have always been aware that they are in a risky business. The essence of a university's research enterprise is exploration and experimentation in search of knowledge. That activity involves risks, the nature and extent of which are not always known. Universities have standard protocols and processes in place to consider and manage such risk.

The essence of a university's teaching enterprise is the education of students (notably large numbers of young undergraduate students) both within the classroom and without. A university provides a distinct community, somewhat sheltered from "the outside", in which academic freedom and other freedoms are supported and student education takes place. Particularly for undergraduate students, the university years are also a time of exploration and experimentation. Universities' expectations of student behaviour have taken that into account.

Traditionally, codes of student conduct have set a standard of behaviour intended to establish a campus environment that allows for both students' personal growth through experimentation and their successful pursuit of academic goals.

With few exceptions, such as the specific prohibition of illegal activities on campus, codes and discipline systems have been expressions of general behavioural expectations such as in the wording from the SARD, as follows:

"Students are required to conduct themselves in a manner that does not infringe on the rights of other members of the University community. Student behaviour must also conform to the regulations of the University and its subordinate jurisdictions including the Code of Conduct and other applicable rules (for example, such as may exist in Queen's residences). Student behaviour is also subject to the laws of Canada, the Province of Ontario and the City of Kingston. Hence it must be emphasized that the University's system of non-academic discipline should not be regarded as a substitute for the civil or criminal law but rather as a complementary system that may be derived from our existence as a clearly distinguishable community of interests."  2

The following wording is contained in the Queen's University Student Code of Conduct (2008):

"Queen's University prides itself on fostering within its students excellence in academic education. An academic education is built upon academic integrity. The five core fundamental values of honesty, trust, fairness, respect and responsibility are central to the building, nurturing and sustaining of an academic community in which members of the community will thrive … In addition Queen's University encourages within its students an understanding of and commitment to good citizenship. To this end the University promotes integrity in all aspects of student life, academic and non-academic, and looks to these same core values to inform and guide student conduct." 3

The expectations of society as to the role of the university in molding and monitoring the conduct of its students has been changing. While students continue to see the university as a place to experience personal freedoms and test social norms (perhaps with less responsibility and fewer consequences than might have followed were they not in the university community),

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2 Queen's University Senate Policy on Student Appeals, Rights & Discipline, 2004. Clause 7, 3
the expectations of parents, society at large and the legal system are moving away from that view. Increasingly, universities are expected to more closely proscribe and manage the behaviour of their students in both speech and action and are being held to account when it appears they may not have been doing so. The accountability for meeting these expectations falls heavily and exclusively on the governing boards and university administrations.

Accordingly, more detailed descriptions of responsibilities and prohibitions have been added to codes of conduct at most universities and there are nine specific items in the Queen's code. Others are incorporated by reference to “other published rules, regulations and policies of the University or of any authorized rule-making body within the University”. 4

It has become clearer through recent examples in Canada and the United States, that universities' reputations are increasingly at risk because of the conduct of their students vis-a-vis the university, the community and each other. How, and in what cases, this risk will result in legal liability has yet to be determined.

The obligation to meet certain standards set by statute and the common law has been recognized and met in universities by putting risk management plans in place and securing appropriate insurance for defence and indemnification. Queen's internal counsel and auditors have opined on those risks and are in the best position to continue to do so.

However the legal and reputation risks arising from the concerns expressed in the auditor's Assessment are the ones I have been asked to address and I see them as follows:

1. There is both legal and reputation risk to Queen's by not addressing issues and recommendations raised by the May 2011 Coroner's letter and followed up in the 2012 NAD Review pertaining to student health and safety in general, and the peer/student discipline regime in particular.

This is the risk that most directly gave rise to this review. Coroner Skinner made specific recommendations. Some have been taken up and completed, but others have not. Neither of the governing authorities has made a clear decision to either accept or reject the recommendation that health and safety issues, including alcohol, be removed from the jurisdiction of the peer/student judiciary. The jurisdiction to deal with discipline around these offences (other than in residence or athletics cases) remains with, and in fact has been specifically ceded back to the AMS and SGPS by an MOU in 2012. If further tragedies occur and this and other problematic issues with the NAD system have not been clearly addressed, the University and its governing bodies will be held to account along with or instead of the AMS and SGPS.

2. There is legal and reputational risk arising from dangerous practices labelled as “Queen's traditions”.

Students or their families may in certain circumstances claim that the ability to succeed in academic programs, or to become an integral member of the Queen's community, is being or has been impaired by the behaviour of fellow students or by an atmosphere on campus which encourages and sanctions dangerous or illegal behaviour in the name of Queen's traditions.

4 Code of Conduct, 2008. Terms of Conduct 1, 3
I have been told repeatedly that Queen’s students feel pressure to engage in unsafe behaviours in the name of tradition as a condition of social acceptance at orientation events and for membership in clubs, including those run within academic programs. If these students lose their year, drop out after a bad experience or are physically or emotionally harmed by any of the “traditional” activities, litigants may look to the University as having failed in both their promises for a safe and supportive environment (breach of contract) and their duty of care (tort).

Residents of Kingston whose property is trespassed and/or damaged, who have lost the quiet enjoyment of that property, or have suffered emotional trauma as a result of behaviour carried out in the name of these traditions in the wider community, may look to the University for financial indemnification or other damages.

3. The risk that NAD authority may be challenged by students who have been disciplined, on the basis that the NAD system as it stands is difficult to understand, lacks coherence, and/or that the student-run disciplinary bodies lack jurisdiction or have exceeded their proper jurisdiction to exercise discipline.

Inevitably such a challenge would also entail a claim that the University's Board, Senate and Administration have improperly ceded their jurisdiction/authority over the discipline system.

4. There is risk that valuable employees will leave and it will be difficult to attract others to take their place.

This risk is connected to Principle 4 in the Assessment: “The organization demonstrates a commitment to attract and retain competent individuals in alignment with objectives”. It is my observation that several valuable, committed and hard working members of the senior administration, believing they have accountability for student health and safety but little authority to take needed steps to ensure it, are frustrated and disillusioned in their roles. If they do not remain to see needed change take place, it will be difficult to attract others to a situation which has become so fraught.

V. Recent Changes to the NAD System

I have noted above that there has been substantial activity in the areas of student health and safety in general, and several within the NAD system in particular since the tragedies of 2010. Before addressing what should or could be done to mitigate the noted risks, it is helpful to understand the status of recent efforts that have been made to effect change.

The May 2011 Coroner’s Report and the April 2012 Queen’s University Review of Non-Academic Student Conduct Policies and Protocol

As noted at the outset, the report which gave rise to Recommendation 2 of the Assessment, the 2012 NAD Report, was completed in April 2012. The committee undertaking the review was chaired by Vice-Provost and Dean of Students, Ann Tierney. Committee members included a number of University officials engaged in student services from the central administration, a nominee from an academic program (Commerce), two members of the AMS executive and one from the SGPS executive.
The 2012 NAD Review Committee had been convened in response to the recommendations of Coroner Skinner following his review of the deaths of two Queen’s residence students in 2010. Included in Dr. Skinner’s recommendations were: that there be a review of the University’s alcohol policies and the development of educational programs directed at changing the culture of drinking on campus; and a review of the peer/student judicial system. More specifically, he recommended that “Queens University should remove health and safety issues, including alcohol, from the jurisdiction of the peer/student judiciary.” The Coroner’s letter is attached as Appendix D.

After meeting ten times between November 2011 and April 2012 the 2012 NAD Review Committee issued a 63-page report, including numerous appendices. Nine recommendations for revisions to the NAD system were proposed. All members of the committee agreed on Recommendations 2 through 9, but the student members did not agree with Recommendation 1, which reads as follows:

“1. That the University oversee the administrative management of the non-academic student misconduct system at Queen’s and that incidents be centrally coordinated by a university office that manages initial intake, refers cases to the most appropriate process, facilitates diversion for students-at-risk, and maintains accurate and complete records of all decisions. Such a system would retain within it the independent AMS and SGPS processes and the active participation of students in decision-making bodies regarding non-academic misconduct. This is what is later referred to in this report as the hybrid system.”

Recommendation 2 was that the University “develop one comprehensive document called the Queen’s University Student Code of Conduct that outlines policies and procedural details for addressing non-academic student misconduct at Queen’s.” The other eight recommendations referenced issues which should be addressed in a new code.

I understand that as a result of political action by the students, allegedly with the help of alumni supporters and advocacy to the Board of Trustees, Principal Woolf agreed that the 2012 NAD Report would not be issued. Because the 2012 NAD Report is not on the web but is central to the Assessment and the discussion herein, I have attached it as Appendix E.

While I recognize that at that time there were compelling reasons for the report not having been brought forward, it is regrettable that it was not. I am of the opinion that were the report to have been implemented, including the controversial Recommendation #1, much potential risk would have been mitigated, and much time, effort and resources would have been saved.

Had Recommendation #1 not been accepted but the students and the University had continued to work on Recommendations 2 through 9, much more would have been accomplished in these intervening three years to address the issues raised in this review than has been the case to date. Whether it is still possible to pick up where that exercise left off, taking what was agreed to but not yet done as a basis for going forward from where things stand now, is a question to be asked.

As he indicated he would do in his letter, in January 2012, Dr. Skinner met with the (then) Vice-Provost and Dean of Student Affairs, Ann Tierney and a group of other University administrators. At the conclusion of his letter he had specifically noted his intention to arrange such a meeting

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5 Queen’s University Review of Non-Academic Student Conduct Policies and Protocol, April 2012 (NAD Report), 6
6 Ibid.
“to review the university’s progress with these recommendations. I will then make a decision about the need for an inquest.”

At that time, Dr. Skinner was advised in some detail of the many steps being taken by the University to address his recommendations. Importantly, among the items specifically noted were that Dean Tierney had been delegated authority by the Provost to deal with serious health and safety issues including alcohol-related misconduct and had been doing so over the Fall term. Also noted was that a formal review of the NAD system was underway with the expectation that it would report and bring forward recommendations for a revised policy the following month.

Several other steps addressing alcohol education and regulation; safety and security; and mental health education, training and research were also reported in that meeting. A list of the many initiatives underway was prepared for the meeting, and a copy is attached as Appendix F. (The ongoing activity by the University to address the issues concerning the use of alcohol were also reported by Dean Tierney to the Audit and Risk Committee in detail on March 6, 2015.)

As no inquest has been ordered by Dr. Skinner to date, I am assuming that he was left with the impression that his recommendations were being implemented and would be acted upon.

**The Woolf/Johnson MOU of September 2102**

I have been told by Principal Woolf and others, that the relationship between the University and the AMS was particularly frosty following the issuance of the Coroner’s letter. Student leaders believed that the University had worked with Dr. Skinner in the writing of his report so as to take over jurisdiction of the NAD, and consequently saw his recommendation that their jurisdiction be limited (and Recommendation #1 of the NAD Report 2012 which followed) as tainted by the University’s alleged involvement.

From the end of the Spring term through Summer 2012, Principal Woolf met with the AMS executive, and engaged with its president Doug Johnson, in efforts to alleviate the tension that had arisen over the issue. The result was the MOU, entitled “Improvements to the AMS Non-Academic Discipline System” addressed to University Secretary, Lon Knox, and signed by Doug Johnson and Principal Woolf. The MOU can be found at http://www.queensu.ca/secretariat/senate/agendasminutes/092512/Sep25_2012AppCb.pdf

The MOU speaks in very positive terms about the 2012 NAD Review having taken place, without any reference to the recommendations therein. In contradiction to Dr. Skinner’s recommendations and Dean Tierney’s representations to him, it unequivocally affirms the University’s support of the role of the AMS with the following words:

“The University recognizes the inherent value and efficacy of the AMS non-academic discipline system and unequivocally supports the underlying philosophy of peer-administered discipline”.7

It notes the mutual identification of several opportunities to improve the AMS system, and then addresses the issue of the jurisdiction of the University to deal with infractions involving students on rooftops and malicious activity involving Blue Lights; two health and safety issues over which the University, through the aegis of the Provost, had taken responsibility since the Coroner’s

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letter, and which had been reported to Dr. Skinner as evidence that his recommendations were being implemented.

The MOU is clear that notwithstanding Dr. Skinner’s recommendation, and the University’s report to him, the responsibility for prosecuting these issues is being returned to the AMS. The MOU also records the parties’ understanding of the AMS jurisdiction, stating it in terms of what was agreed to be outside AMS jurisdiction as follows:

“1. The residence or athletic disciplinary systems have sole jurisdiction;
2. The Provost exercises authority under Sections 17 or 36 of the Senate Policy on Student Appeals, Rights and Discipline (SARD);
3. The case falls under AMS policy as offences not dealt with by the AMS judicial system: blatant discrimination (sexual, racial or otherwise), harassment, sexual assault, serious assault of a non-sexual nature, or murder;
4. The incident is of an academic nature or occurs in an academic setting.”

As evidence of agreement on steps to move things forward, the MOU also contained a list of eight “Changes Implemented or in Process of Implementation”, and noted a further seven “Opportunities for Future Co-operation”. Several of these were iterations of recommendations 2 – 9 of the 2012 NAD Report. They will be addressed in detail below.

The SONAD Working Group

Upon his receipt of the MOU, Mr. Knox forwarded the document to the Senate Committee on Non-Academic Discipline (SONAD), the committee Senate established to oversee its responsibility for student discipline.

In response to item number 7 among the Opportunities for Future Co-operation noted in the MOU, SONAD established a Working Group composed of three representatives of the AMS, one representative of the SGPS, the Assistant Dean of Student Affairs, and the (then) Coordinator of Dispute Resolution Mechanisms. It was mandated by the MOU that this Working Group would consider changes to the role of SONAD “in light of the above actions and commitments”, and present recommendations “to SONAD by November 2012 for its review and referral to the Senate Operations Review Committee as part of the Senate Committee structure review scheduled in 2012/2013.”

According to a record of the Working Group’s deliberations prepared by the Coordinator of Dispute Resolution Mechanisms, Harry Smith, it met first in early November 2012 and thereafter in January 2013. Discussion focussed on possible changes to SONAD membership to facilitate more interaction between the various NAD systems. Subsequently and in order to create that interaction, the SONAD membership was expanded to add the Director of Residence Life and the Associate Director, Athletics and Recreation; both of whom had responsibility for oversight of local areas of discipline. SONAD’S mandate was revised to clarify its role in reviewing annual reports of the disciplinary cases brought to each of these systems and to the Provost. Mention was made at the Working Group of the creation of a three person Conduct Board comprised of SONAD members to address student group discipline, but no further action was taken by the Working Group.

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8 Ibid, 22
9 This position has now been eliminated, replaced by that of a University Ombudsman. Mr. Harry Smith has held both positions.
Status of Action on the MOU

A number of steps have been taken by the administration and the AMS as mandated or contemplated by the MOU. Their status, and the AMS position with respect to each, was reported to me by the AMS Commissioner of Internal Affairs, Claire Cathro, and is as follows:

Changes implemented or in Process of Implementation

1. Increase expediency in closing cases by establishing a 60 day deadline from the time a case is received to being closed with sanctions completed: **Done**. Most now completed in fewer than 30 days.

2. Establish minimum sanctions for Blue Light, rooftop and alcohol related cases; progressive sanctions for recurring offences: **Done**, **but sanctions not recorded in writing**. Information is exchanged or passed down among hearing officers.

3. Create an internal database to make tracking easier: **Not done**. The intention was to share this task with the administration, but FIPPA concerns have been raised.

4. Introduce alcohol workshops offered through Health, Counselling and Disability Services as a sanction: **Done**. Both in-person and online versions are administered by the University: attendance is confirmed to ensure compliance.

5. Distribute 500+ pamphlets to nearby Kingston residents to promote awareness and engagement with the system: **Done**. Now repeated annually.

6. Follow up with complainants after Judicial Committee decisions are reached – achieved with collaboration of Campus Security: **Done**. There is also some outreach to campus offices to confirm when appropriate.

7. Able to place fines directly on SOLUS student accounts to ensure payment of fines/restitution: **Done**. AMS Judicial Affairs Office notifies University Registrar of penalties after expiration of the appeal period.

8. Recommend to the AMS Assembly that weapons related offences be added to the list of items not dealt with by the AMS system: **Done** and added.

Opportunities for Future Cooperation

(To have been undertaken by the AMS, and other stakeholders over the 2012-2013 academic year)

1. Develop a comprehensive, jointly administered online database to be used across all non-academic discipline systems (AMS, Residence, Athletics and Recreation, Provostial Authority) that will be equally accessible by the various judicial systems and the University: **Not done**. AMS understands this is in the University's hands and is under consideration subject to FIPPA concerns.

2. Review the Queen's University Student Code of Conduct with the goal of establishing “Terms of Agreement” whereby all students, ideally through SOLUS, agree to abide by the Code: **Underway and expected to be done** late May 2015.

3. In instances where the Provost has exercised authority under section 17(c) of SARD, a memo will be sent to the judicial body that would normally have jurisdiction indicating a referral has occurred: **Not done**. This is in the hands of the University, but Provost's jurisdiction to engage is still not clear and there is concern that there is no avenue for appeal from USAB outside of the courts.

4. Create a framework for student group discipline: **Not done**. AMS has an internal process for oversight of clubs and has agreements with clubs that allow for discipline.
Jurisdiction over sanctioning AMS clubs is strictly that of AMS and sanctions aren’t reported to the University. Work is being done with SONAD on clubs’ ability to appeal to USAB.

5. Describe in a concise fashion the entire non-academic discipline system (including the various sub-systems) as an appendix to SARD and the Senate Policy on Non-Academic Discipline: **Not done**. There is a flow chart which is intended to reflect the system and is an appendix to SARD. Any written description should be the responsibility of SONAD.

6. For the areas which the administration, through the Provost or delegate, has authority to act on non-disciplinary matters, a process be established to expeditiously render a decision on the matter and, where relevant, impose sanctions. Currently the Provost utilizes USAB in this process, which leaves no internal body to hear appeals: **Not done**. This is seen as a SONAD responsibility.

7. Establish a working group with equal representation of AMS and University members to consider potential recommended changes to the role of the SONAD in light of the above commitments. The recommendations should be presented to SONAD by November 2012 for its review and referral to the Senate Operations Review Committee as part of the Senate Committee structure review scheduled in 2012-13: **Not done**. The SONAD Working Group was established, and subsequently membership changed, but SONAD is not engaged in the issues and its role is unclear.

**Action by SONAD**

The Minutes of SONAD from 2012 through 2014 reflect that SONAD worked assiduously on clarifying the frequency, form and content of the reports of disciplinary proceedings it expects each year from each of the adjudicating bodies. It discussed the inclusion of “hazing” in the Code as a ground of misconduct and agreed on a definition. It struggled with the issue of “group discipline” largely because of the AMS’s position that it has sole authority over its student club affiliates.

There has been a fairly consistent turnover in the SONAD membership as ex officio members come to the end of their terms, leaving difficult policy items on the agenda to carry forward to a new governance year. Perhaps because of renewed energy as a result of a new Chair, as I write, SONAD is considering a commentary to SARD on the issue of USAB’s discretion in decisions in group discipline appeals. I am advised by the University’s Ombudsman that he is circulating a draft document entitled “Senate Policy on the Jurisdiction of Non-Academic Discipline” which proposes to provide greater clarity on non-academic student discipline and create a mechanism for resolving matters of overlapping jurisdictions.

While it is possible to conclude from all of the foregoing that the MOU has led to some changes and improvements having been made, it is also clear that the key issues of jurisdiction, transparency, communication, coordination and record keeping have yet to be addressed.

To date and despite recommendations in both the 2012 NAD Report (Recommendation 2) and the Woolf/Johnson MOU (Opportunity 5) there is no comprehensive document or concise description of the policies and procedures for addressing non-academic misconduct. While the issues have been raised at SONAD from time to time in the interim, and it has reconfigured itself, in its view, to better exercise its oversight, SONAD has not yet taken leadership of this issue. Later in this report I will provide my view as to why this is so.
VI. Barriers to Change

What issues are keeping the students, administration and governing bodies from making changes to eliminate or mitigate risk? To understand why it seems to be so difficult to make progress on addressing these issues, I believe it will be helpful to give an overview of what I was told by those with whom I have spoken.

From the academic and non-academic administrators:

- There is great pride in the quality of the Queen's students and sincere concern to ensure their academic success and their health and welfare. Administrators feel responsible and accountable for the Queen's student experience, yet are frustrated because they have no routinized way to identify and engage with students who are experiencing emotional or mental problems, evidenced, for example, by excessive consumption of alcohol and drugs. But it isn't just about students with problems. There is a strong sense that the culture of undergraduate behaviour at Queen's, often excused as part of “Queen's tradition”, is problematic, risky and needs recalibration. Specifically, with very few exceptions, every administrator I spoke with expressed concern about dangers inherent in traditions such as club initiation practices, behaviour at off-campus orientation events (“Slosh the Frosh”, “Beer on the Pier”), and drinking rituals engaged in for the purpose of earning “shenanigan bars” for their Queen's jackets. These traditions are the hallmark of various clubs on campus. Students are vulnerable to peer pressure to participate.

- In the past, the AMS has taken political action by lobbying to protect or extend its NAD jurisdiction, allegedly with the support of Queen's alumni. The action to have the 2012 NAD Report shelved was given as an example. There is a perception that alumni, including some members of the Board of Trustees, are so invested in the “traditions” of Queen's, that the Administration's attempts to engage actively in making real change or in challenging the students' positions on jurisdiction will not be supported by the Board. Feeling stonewalled and helpless, administrators have stepped back from engagement with students on jurisdictional issues but have done so with continued concern. So often did I hear of this in conversations that I came to think of the Administration's position as “hands off, fingers crossed”.

- Because the Board is composed almost entirely of Queen's alumni it is perceived to be unable or unwilling to take a critical look at traditions, or to place behaviour in a contemporary context rather than in the context of when they were students. The Board members are ambivalent about the issues and therefore have not acted with respect to them. The attitude that “students know best” is entrenched and makes change difficult.

- Except by happenstance, or in instances where students come forward on their own, there is no way for Deans or other administrators in the Faculties to know if any of their students are in difficulty or being disciplined. They believe they need to know so they can take steps to help students succeed. Many administrators feel frustrated and fearful because they believe they have accountability to the students, their parents and to the public for what takes place at Queen's, but no authority to engage with individuals or student clubs with a view to making changes to manage risky behaviour. (I do not make reference to fear lightly. Several long time administrators spoke with great feeling about the deaths by misadventure and suicide which took place five years ago. They are as fresh and as painful in their minds as if they happened yesterday.)
• Notwithstanding clear rules around the use/abuse of alcohol in student conduct codes and the many ongoing educational efforts about the dangers of over-drinking; without a more robust regime of consequences for those responsible for organizing or encouraging dangerous activity under the rubric of tradition, there will be no change in such behaviour or change will be too slow.

• While everyone spoke highly of the current AMS and SGPS officials, they hold office for only one year which is coming to a close. There is a concern about lack of continuity and lack of consistency of approach among succeeding student government administrations. There was a strong view that the training of student adjudicators is insufficient.

• Security reports of incidents are not shared. When arrangements are made to receive them, they do not contain enough detail to be able to assess what has happened. The campus security team does not do in-depth investigations. Investigation is left to the adjudicating body with no opportunity for administrators to engage in the process or hear of the results of the investigation or the adjudication.

• While the USAB provides a locus for appeals and in that sense works to provide a second view of the decision of the other bodies, it cannot impose any stricter penalties than those provided or recommended by AMS/SGPS. There is no process/procedure for the University to appeal a penalty of these disciplinary bodies and there is no process to guide the Provost in the exercise of authority to take discipline cases directly to USAB. (Note: The Provost's ability to take cases directly to USAB is contingent on no other body having first heard the case, yet there is no system in place for ensuring that the Provost receives complaints or hears of incidents in a time frame which would enable his office to be the first to act. I was told that AMS has in the past pressured students to not take their complaints to the administration. I was also told that AMS has challenged the Provost's action of investigating incidents which have come to his attention and his right to initiate action under SARD section 17(c) without first receiving a referral of the matter from AMS.) There is no avenue of appeal from a “first instance” decision of USAB which right to appeal is seen as a due process issue, and therefore there is additional reticence to use the Provostial power.

• There is no system or any guidelines in place to resolve overlapping jurisdictions. There is no universal understanding of what sanctions should be imposed for what behaviour resulting in inconsistency among systems.

• Clubs are creatures of the Faculty student governments or AMS/SGPS and do not attorn to the jurisdiction of the University. Their alumni are strong supporters of the status quo and engage in applying pressure when change is proposed.

• There are currently several committees established and working on important student-related health and safety issues. Among these are committees on mental health/wellness, “hazing” and sexual assault prevention. These initiatives involve both administrators and students, and all take a great deal of energy, leaving little left for other large projects at this time.

• SONAD is supposed to be the oversight body but its members are almost all officials of the bodies that the committee is tasked to oversee. It therefore has had difficulty
exercising independent oversight and there seems to be a fear of taking the tough issues to the Senate for discussion.

- Student constables, residence monitors, hearing officers and AMS and SGPS personnel change each year. Lack of continuity means lack of consistency. The effectiveness of the student-run system is highly dependent on the students in leadership positions, as is the rapport between the student governments and the Administration.

In summary, there is a common view that substantial change must occur to better ensure student health and safety. No one I spoke with wants to become more involved in NAD simply for the purpose of disciplining the students; all focussed on how they might better help students succeed. The administrators believe it is their duty to see that there is more clarity and better coordination and communication in the NAD system as a whole. As it stands, they feel the burden of accountability with no authority. While they see possible areas of change within the Administration itself, they are reluctant to take the initiative to implement formal change because of concerns that they will not be supported in doing so by the governing bodies. Some continue to work in other ways to do what they can to address perceived risks but continue to feel frustrated. They are looking to the Board of Trustees and Senate to “fish or cut bait”.

What I heard from the students:

- The SGPS has very few cases. It supports the peer-administered judicial system but realizes the system has weaknesses and inconsistencies (e.g. as lack of clarity in the process for the Provost to bring matters directly to USAB).

- Judicial officials in both AMS and SGPS take their roles very seriously and conduct themselves and their responsibilities professionally.

- There is strong support from both student governments for the regime of “restorative justice”.

- Students welcome this review. They acknowledge that in the past they have been defensive. They express some willingness to now take a critical look at the system with a view to making some change but change won't happen overnight.

- They do not agree with the link made in the Coroner’s letter between the student deaths and the fact that the students have jurisdiction over alcohol and other health and safety offences. However, students do not want jurisdiction over “serious infractions”.

- Students agree that better communication with the administration is key to improving the system and they acknowledge that they need to better communicate about the system to their fellow students through an overview such as was referred to in the MOU. There is a strong concern about the ability to share information because of perceived privacy issues.

- Continuity of personnel and approach is an issue but they are working hard to ensure their successors share their views about being open to change. They acknowledge that from time to time they have come under pressure from past AMS /SGPS executive members (alumni) to resist change. They want concrete suggestions as to how the NAD system can be improved, but they don't see that the burden of designing and implementing changes should be theirs alone.
• They accept that many Queen's students do not like certain “traditions” and agree that they should be abandoned or modified. For example, students have worked hard and effectively to make orientation better and to make changes that reduce risks associated with alcohol consumption at orientation events off campus.

• Student judicial officers understand the current expectations of the system, and only in rare cases where there is no evidence are no sanctions imposed. There is a system in place for following up to ensure sanctions have been completed. There is a very low recidivism rate among students who have been disciplined.

• As the students’ representative on the Board and Senate, the Rector sees it as part of his role to bring the parties together and is prepared to do so.

• Students agree that more coordination is desirable. Ideally it could happen through a trusted party, such as the University Secretary, who would act as “a steward” of the system, and take a leadership/oversight role in seeing that the work of the various bodies is better coordinated, issues are resolved, policies amended and the process become more accountable. They believe SONAD should take a more active role in overseeing the entire system.

It being so close to the end of their terms, Kevin Wiener, Phillip Lloyd and Claire Cathro are preparing to pass on their responsibilities to their successors. My impression of each of them and of the Rector, Michael Young, was of intelligent and hardworking students who take great pride in Queen's and in serving in their roles. They want to do what is right for the University and for their fellow students. In summary, I came away from the conversations believing that each recognizes that continuity, transparency, communication with the administration and the “Queen's traditions” are issues to be addressed to make a better system or to make the system work better. They do not feel that they are or should be wholly responsible for making all of the needed changes, nor can they undertake all of the change without the University's participation and help with specific issues and coordination of the change process. However, nothing they said leads me to believe that they are prepared to recommend relinquishing their position on the scope and exclusivity of their jurisdiction, particularly over clubs.

VII. Mitigation Steps: What can be done by the Board, Senate and Administration to address and mitigate the identified risks?

Risk 1: The risk of not addressing the recommendations in the Coroner's letter

| Recommendation 1: | That the Board address the recommendation of Coroner Skinner that alcohol offences and other issues of student health and safety be removed from the peer/student discipline system. |

Rationale and Comment: The Board can either accept the recommendation and act accordingly, or as the Assessment notes, decide to take the risk of not accepting those recommendations, in which case they should document the reasons for their decision. To have such recommendations outstanding, without official attention or other mitigating action by the responsible body, increases the chance of the Board and the University being held responsible and liable should future catastrophic events occur.
Recommendation 2: That the Board support the rebuilding of the NAD system into a clearer and more coherent system.

Rationale and Comment: This action would illustrate the University's diligence in responding to the 2012 NAD Report and the Coroner's letter. It would also in and of itself mitigate risk. A better NAD system could and should provide students with a more specific sense of what behaviour will lead to what discipline and would provide a clearer path for students, the administration and the community to make and pursue complaints through the University system instead of through the criminal or civil justice systems. With a clear path to follow, the risk of a challenge of the system's legitimacy or fairness also would be reduced.

Recommendation 3: That the Board and Senate should review and consider the adoption of Recommendations 2 through 9 of the 2012 NAD Review.

Rationale and Comment: Those recommendations are a list of actions directed towards creating a new and comprehensive Queen's University Student Code of Conduct which, if completed, would address numerous issues in need of attention. They were agreed to by AMS and SGPS members of the 2012 NAD Review Committee.

Recommendation 4: That when a revised system and a new Code are developed, they should be adopted by both of the governing bodies.

Rationale and Comment: Each of the Board and Senate has obligations with respect to the health and safety of students. They should be seen to formally agree on the standard of behaviour expected and the consequences for behaviour which falls below the standard, illustrating a unified position on the issue.

Recommendation 5: That the Board mandate the creation of an office or appointment of an individual to coordinate and oversee the change process.

Rationale and Comment: It is clear that there needs to be someone to act as the “steward” of the process of developing a coherent code and overseeing the completion of other specific tasks agreed to in the Woolf/Johnson MOU. That person should have the skills and be given the time to devote to the task, without the threat of loss of continuity, until the task is completed. Ideally the person (or their “office”) should remain actively engaged as the locus for the ongoing stewardship of the NAD process across all judicial bodies, and could serve as the central recipient of complaints and the keeper of records as recommended in Recommendation 1 of the 2012 NAD Report. It is my opinion that the Office of the Vice Provost/Dean of Students is the right place to lodge such responsibility.

Note: Among the universities compared in Appendix C, Queen's is the only one not to have a central office with the responsibility of coordination and stewardship of student discipline issues. The key to the success of this recommendation will be to find a person or office sufficiently trusted by all to carry out the task.

Recommendation 6: That the Board and Senate consider providing for independent and critical points of view in key places within their governance structures.
Rationale and Comment: With respect to the Board: while the value and importance of having alumni as Trustees is not questioned, that there be some fully independent individuals in key roles within any board structure to provide an outsider's point of view is an accepted tenet of good governance. The perception, if not the reality of the Board of Trustees, is that the large number of internal trustees and the large number of alumni trustees on the Queen's Board, does not allow for a sufficient level of independent oversight and that this has affected the ability of the Board to understand that certain Queen's traditions pose unacceptable risks. The Board has the ability to appoint some independent trustees and should exercise that power.

With respect to the Senate: Senate should create a clearer mandate and different composition for SONAD. It is the body through which Senate carries out its statutory authority over discipline. If the core disciplinary/adjudicative role is to continue to be devolved to other bodies, SONAD should be in a position to oversee and evaluate the work of those bodies without bias or political pressure. At present, SONAD is constituted with nine members. There is currently one vacancy for an elected Senator. Of the sitting members, only one of these, the Chair, is truly independent. Seven of the remaining members are persons having direct responsibility for a part of the NAD judicial process. The role of the remaining member, the Rector, is not clear. In order to properly exercise its oversight on Senate's behalf, SONAD should have a membership of independent Senators.

Risk 2: Club and other “traditions”, as presently understood and practiced at Queen's, are a liability to the University.

Recommendation 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.

Recommendation 2: That the Board communicate the standard throughout the Queen's community, including the alumni community, particularly with respect to Queen's traditions.

Rationale and Comment: The AMS claims sole authority over the many clubs which it sanctions. Notwithstanding, the clubs are creatures of the University. The University collects student government and club levies as ancillary fees from its students, which monies are then remitted to the student governments for distribution. It is my opinion that so long as these funds are collected by the University as fees, the University is not just a banker: it is a fiduciary which is being trusted to ensure that the fees will not be used for purposes which are contrary to the policies and codes of the University. Student organizations are allowed to use the University's name(s) and its facilities and to everyone outside of the University, are considered to be part of it. For those reasons it is within the purview and indeed is the responsibility of the University to see that student groups do not use their status, their funds or university facilities in a way which puts the University and its students at risk. The AMS and SGPS, as agents of the University for overseeing the club structure and distributing the funds, can be guided and even directed by the University concerning the type of activities that can and cannot take place within the club structure.

I was told that many Queen's alumni condone and participate in some of the traditional club activities. I was also told that from time to time individual alumni have brought pressure to bear on the institution to not interfere with Queen's traditions. Because of the strong presence of alumni on the Board and its connections and influence with the alumni community, it is my opinion that the Board has both the authority and the accountability for such things “concerning
the good government of the said College ... and ... any other matter or thing which to them shall seem necessary for the wellbeing and advancement of the said College”.

The Board therefore has a responsibility to set standards of tolerance for the interpretation of these traditions, and is in a unique position to do so. This could be done by legislation, or less formally, by strong communications to the student and alumni population.

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

**Recommendation 1:** That the Board take steps to clarify the legal jurisdiction of the Board, the Senate, the administration and the student governments for non-academic student discipline.

**Rationale and Comment:** In section 10 of the document entitled “Purpose and Functions of Senate” passed by Senate in 2011, Senate purports to have the authority to delegate “responsibility for non-academic discipline” to student organizations. It is not clear under law that Senate can delegate its statutory authority over student discipline to the various other disciplinary bodies which are now engaged with it, particularly not to the AMS/SGPS which are not within the administrative structure of the University. Moreover, it is not clear how far the delegation can go. If the Senate can delegate its judicial function, it may not be appropriate or legal to also delegate its legislative and/or administrative functions. In my opinion, the “responsibility” cannot be delegated as it purports to be. It remains with the governing body.

Notwithstanding that history, tradition and politics have played a part in the NAD system having developed as it has, the scope of the student jurisdiction (which as it stands is judicial, legislative and administrative), is viewed as problematic by the coroner, the auditor, the administration and me. At worst, there may be no legal basis for delegation or for the scope of the delegation; and at best, the scope is unclear and the policies around it confusing. As I have already noted, having a properly and expertly researched opinion on the extent of Senate’s authority on this issue and the Board's powers to legislate as set out in Section 20 of the Consolidated Charter, while beyond the scope of this review, is important for bringing more clarity to issues of jurisdiction going forward. **Note:** reference is made to the opinion of Mr. Justice Frank Iacobucci of Tory's LLP dated November 12, 2002 on the issue of Senate and Board jurisdiction. While he did not address the issue of delegation of a statutory power, Justice Iacobucci did opine on the residual legislative power of the Board set out in Section 20 of the Charter and more specifically, its power to pass enactments with respect to Senate set out in Section 29 “after consultation with Senate”. This issue seems to me to be one which requires the attention of both bodies, working together.

**Recommendation 2:** That once the issue of jurisdiction is clearer, if delegation of all or some of the NAD process is legal, a formal contract should 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.

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10 Queen’s University Consolidated Charter, s.20.
**Recommendation 3:** Once jurisdiction and authority to delegate is clearer, that Senate redraft/revise SARD so that Senate's jurisdiction and role is more clearly expressed. Policy statements should be distinguished from procedures. The authority of SONAD and USAB should be clarified. Their membership and procedures might better be expressed in separate mandate documents.

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

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

*Rationale and Comment:* Administrators want and need an opportunity to work with students at risk and to engage with others at an early stage when they believe it is warranted. They should be in a position to assist both potential complainants and those being complained about by ensuring that they get appropriate assistance and counseling. Their ability to assist would reduce the risks of student harm and failure and the potential for consequential liability. Administrators have been unable to engage because they rarely know when incidents happen. In addition, their involvement in investigating incidents or otherwise connecting with students has been challenged as a jurisdictional issue by the AMS. I can see no reason why administrators should not be involved in NAD incidents. The AMS or SGPS hearing system is not impaired by well intentioned administrators engaging with students or with the discipline process to aid either the process or the individual students. Administrators should be informed when incidents occur.

To that end, I make these additional specific recommendations to permit University officials to be more informed and engaged in disciplinary matters:

i. That the Department of Campus Emergency and Security Services copy all security reports involving alleged breaches of the Code of Student Conduct to the Vice-Provost/Dean of Students and to the Office of the Dean of the Faculty of each student involved. If and when proper records systems and agency agreements are in place with SGPS and AMS, the reports can also be circulated to them.

ii. That the Department of Campus Emergency and Security Services create a revised form of security report designed to provide more detail about security incidents and the parties involved.

iii. That Security Officers and Student Constables engage in sufficient investigation of incidents at the time they happen to be able to complete these reports.

iv. That copies of all complaints made to AMS or SGPS by or through Campus Security should be circulated in the same manner as the incident reports.

v. That plans for creating the agreed-upon joint internal database for the sharing of information across all non-academic discipline systems, contemplated by both the 2012 NAD Review and the Woolf/Johnson MOU, should proceed.

vi. That as noted above, when the issue of the jurisdiction of the various parties in NAD is settled, the details of the agency should be recorded in an agreement between the University and AMS/SGPS.
vii. That Senate provide for a clear procedure for the hearing of complaints brought directly by the Provost to USAB and allow the University to appeal decisions by other adjudicative bodies.

viii. That Senate create under the USAB a mechanism for reconsideration of decisions made in complaints brought to them by the Provost, e.g. by expanding USAB to create a panel to hear reconsiderations.

NOTE re the Freedom of Information and Protection of Privacy Act: Concerns were expressed by both students and administrators about the privacy rights of students engaged in the discipline process, both as complainants and respondents. This right was construed as a barrier to the sharing of security reports, investigation reports, discipline decision minutes and other information created or compiled in the course of security activities and discipline proceedings. I am of the opinion that the Freedom of Information and Protection of Privacy Act permits both sharing within the University, and between the University and AMS/SGPS as its agents. The specific wording of the applicable section is as follows:

“where disclosure is made to an officer, employee, consultant or agent of the institution who needs the record in the performance of their duties and where disclosure is necessary and proper in the discharge of the institution’s function.”

As I have already noted, this relationship could and should be evidenced by an appropriate agency agreement.

Conclusion

As noted, the issues raised in the course of the review leading to this report are complex. The review began with concern about potential liability on the basis noted in Recommendation 2 of the Assessment, but it quickly became apparent that underlying issues of trust and tradition, principles of law, principles of governance, personalities and politics were all at play. This report therefore does not follow in lock step the list of deliverables for the review project. I believe however that in summary, all of them have been addressed, and hopefully in a way that will help the University move forward past the recognized obstacles in its path.

There are serious issues to be addressed if Queen's is to mitigate risks which have arisen from its history and current circumstances. The strong support for the Administration by the Board of Trustees is needed to inspire and sustain the task. Each of the risks mentioned can be addressed, in ways I have suggested and no doubt in other additional or different ways as well. Queen's culture is at the root of these issues and although changes to problematic aspects of that culture will not happen overnight, now is the time to take on the task regardless of the many other difficult matters at hand. In my opinion, change can be made without fear that Queen's will lose its unique identity, notwithstanding that it would do well to look to the other universities’ practices as reflected in Appendix C. Nor do I think it will lose the loyalty of its students or alumni by bringing old traditions into line with contemporary expectations. Delay has already taken a toll and will only extend the period of increased vulnerability created by these risks to the institution and the members of the Queen's community.

---

¹¹ Freedom of Information and Protection of Privacy Act (R.S.O. 1990, Chapter F.31: s. 42(1)(d))
It was a great pleasure to have been given the opportunity to meet so many of the Queen’s community in the course of the review. I was impressed with their passion and honesty in expressing their thoughts and feelings to me, notwithstanding that in some cases, they were concerned about the risk of doing so.

I wish to make special mention of the help I received from the Provost, Alan Harrison, the University Secretary, Lon Knox, and Claire Cathro of the AMS. In addition to my in-person meetings with each of them, they fielded numerous questions by telephone and email and located hard-to-find source material; all unstintingly. The staff of the University Secretariat made me welcome on site and helped in numerous other ways.

It was also my honour to be tasked with taking on this review. I hope that this report and the recommendations I have made will help the University see itself through the eyes of an outsider and that the concrete suggestions for actions which can be taken will help address issues that have affected the lives of so many at Queen’s over the past five years.

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Appendix A – Documents Framing the NAD Regime at Queen’s
Appendix B – Persons Interviewed
Appendix C – Comparative Chart, University Non-Academic Discipline Processes
Appendix D – Coroner’s Letter and Recommendations
Appendix E – 2012 NAD Report
Appendix A – Documents Framing the NAD Regime at Queen’s

- Non-Academic Discipline at Queen’s (Approved by Senate May 21, 2003)
  http://www.queensu.ca/secretariat/policies/senateandtrustees/nonacademic.html
- Terms of Reference – Senate Committee on Non-Academic Discipline (SONAD)
  http://www.queensu.ca/secretariat/senate/committees/sonad.html
- Queen’s University Student Code of Conduct (Approved by Senate April 24, 2008)
- Senate Policy on Student Appeals, Rights and Discipline (SARD – February 26, 2004)
- Guidelines for the Handling of Non-Academic Discipline by Faculty Boards
  http://www.queensu.ca/secretariat/policies/senateandtrustees/nonacademicfaculty.html
- SONAD Report to Senate: Athletics and Recreation Non-Academic Discipline Judicial Process (Discipline Policy)
- Queen’s University Residences Residence Student Conduct Process (Senate revised April 29, 2014)
  http://www.queensu.ca/secretariat/policies/senateandtrustees/resancediscipline.html
- Student Behaviour Guidelines (Athletics – 12 policies and procedures)
- AMS webpage with summary of Non-Academic Discipline Process, Statistics and Links to Policy Manual, Queen’s Code of Conduct
- SGPS By-Laws and Policies
- Queen’s University Journal 5 April 2012: NAD Under Fire
  http://queensjournal.ca/story/2012-04-05/features/nad-under-fire/
- Non-Academic Student Discipline Review Committee Terms of Reference 2011-12
  http://www.queensu.ca/provost/responsibilities/committees/nonacademicdisciplinecommittee.html
Appendix B – Persons Interviewed

Board of Trustees
- Barbara Palk, Chair, Board of Trustees
- Mary Wilson Trider, Chair, Board of Trustees Audit and Risk Committee
- Mike Young, Rector

Senate
- Nicholas Bala, Professor, Faculty of Law, Co-Chair, USAB
- David Freedman, Associate Professor, Faculty of Law, Co-Chair, USAB
- Shahram Yousefi, Associate Professor, Faculty of Engineering, Chair, SONAD

Students
- Claire Cathro, AMS Commissioner of Internal Affairs
- Phillip Lloyd, AMS Vice President, University Affairs
- Kevin Wiener, President, SGPS

Administration
- Daniel Woolf, Principal
- Alan Harrison, Provost
- Mike Condra, Director of Health, Counselling and Disability Services
- Leslie Dal Cin, Director, Athletics and Recreation
- Laeque Daneshmend, Deputy Provost
- Jeff Downie, Assistant Director, Athletics and Recreation
- Chauncey Kennedy, Director, Residence Life
- Lon Knox, University Secretary
- Lisa Newton, Legal Counsel
- Murray Sceggs, Campus Security and Emergency Services
- Arig al Shaibah, Assistant Dean, Student Affairs
- Harry Smith, University Ombudsman
- Ann Tierney, Vice-Provost and Dean, Student Affairs
- Diane Kelly, past Legal Counsel
- John Pierce, Faculty of Arts and Science, past Vice Provost and Dean, Student Affairs

Deans and Academic Administrators
- Brenda Brouwer, Vice Provost and Dean, Graduate Studies
- William Flanagan, Dean, Faculty of Law
- Lori Garnier, Executive Director, Commerce Program
- Jennifer Medves, Vice-Dean Health Sciences, Director, School of Nursing and Senate Vice-Chair
- Susan Mumm, Dean, Faculty of Arts and Science
- Brian Surgenor, Vice Dean, Research and Graduate Studies, Faculty of Engineering
- Kimberly Woodward, Dean, Faculty of Engineering
## Appendix C

### University Non-Academic Discipline Processes Compared

<table>
<thead>
<tr>
<th>University</th>
<th>Approx Size</th>
<th>Code[s] of Conduct</th>
<th>NAD Administered by</th>
<th>Oversight Responsibility</th>
<th>Student Involvement</th>
<th>Concise Summary of process for complaint</th>
<th>Complaints Received By</th>
<th>Who decides whether complaint proceeds</th>
<th>Investigation: Complaint Processing</th>
<th>Advisor/Advocate***</th>
<th>Responsibilities and Offences Against, Minor/Major</th>
<th>Sanctions</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>SGPS Complaints Officer</td>
<td>Complaints Officer</td>
<td>Complaints Officer collects evidence and presents to Judicial Board constituted for each complaint. Hearing and site renders decision together with sanctions to apply.</td>
<td>Provost</td>
<td>Provost</td>
<td>Refers matters to USAB only where not already heard by another body.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>


- Residence Life as above
- Residence Facilitator, Residence Life Management/Office

### Athletics Behavioural Guidelines: [http://www.gogaeltig.com/conduct](http://www.gogaeltig.com/conduct)

- Athletics & Recreation as above
- No

### Sanctions

- Violations of code of conduct subject to one or more sanctions: notice of misconduct; letter of apology; educational program; community service (specified hours by specified date); loss of privileges; restitution, bond, fine; requirement to withdraw; suspension; expulsion. Sanctions also listed in AMS Policy Manual 4 and SGPS By-laws.

- Offences listed in code as terms of conduct. SGPS must recommend to other bodies on suspension, expulsion from particular jurisdiction and requirement to withdraw.

- Level 1, 2, 3 incidents listed in ResRules.

- Expectations listed in Guidelines for Behaviour

### Minor Infractions
- one or combination: apology; reprimand; suspension from travel; restitution; publication of info; community service; suspension from A&R events or single/series of competitions; other sanctions as appropriate.

### Major Infractions
- same as minor + suspension from season of play; permanent suspension from team/club/program/A&R activities; suspension from A&R funding/services; demotion or termination from sport/team/club/
# Appendix C

## University Non-Academic Discipline Processes Compared

<table>
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<th>University</th>
<th>Approx Size*</th>
<th>Code[s] of Conduct</th>
<th>NAD Administered by</th>
<th>Oversight Responsibility</th>
<th>Student Involvement</th>
<th>Concise Summary of Process for Complaints Received By</th>
<th>Who decides whether complaint proceeds</th>
<th>Investigation: Complaint Processing</th>
<th>Advisor/ Advocate***</th>
<th>Responsibilities and Offences Against, Minor/Major</th>
<th>Sanctions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Brock</td>
<td>16,000</td>
<td>Student Code of Conduct</td>
<td>Non-Academic Student Disciplines Services Office</td>
<td>Vice Provost, Associate Vice-President, Student Services and University Non-Academic Discipline Advisory Committee (meets once yearly)</td>
<td>University Discipline Panel (up to 15 students; student chair + Manager, Res Life &amp; Student Affairs)</td>
<td>Yes</td>
<td>Manager, Residence Life and Student Affairs</td>
<td>Manager, Residence Life and Student Affairs</td>
<td>Complaint received by Manager, who may dismiss matter; interview student and if offense committed, apply sanction(s), refer matter to University Discipline Panel</td>
<td>List of offences. Minor misconduct addressed in area/department where it occurs. Other offences -- sanctions applied by University Discipline Panel or recommended by UDP to VP, AVP student services.</td>
<td>Minor offences: univ. service. Other offense sanctions - one or combination: letter of reprimand; probation period; restitution; apology; fines not to exceed $500; removal of privileges for licensed campus facilities; community service; educational program; and/or suspension from extra-curricular activities for specified period up to 1 year. Sanctions recommended to the VP, AVP, Student Services: exclusion from facilities up to 1 year; suspension; expulsion. Residence Offense Sanctions defined under Residence Agreement.</td>
</tr>
<tr>
<td>Carleton</td>
<td>24,000</td>
<td>Student Rights and Responsibilities Policy</td>
<td>Office of Student Affairs</td>
<td>Associate Vice-President (Student Support Services); Carleton University Resolution Board (CURB)</td>
<td>One student member of CURB; Peer Conduct Board</td>
<td>Yes</td>
<td>Director, Student Affairs</td>
<td>Director</td>
<td>Director interviews student and determines if breach of code; may recommend sanctions.</td>
<td>Lists of offences. Category 1 eg. property destruction, misuse of facilities/services; failure to comply; Category 2 more serious eg. threatening, violence, alcohol offences, repeated Cat.1 offences</td>
<td>Cat.1: exclusion from facilities/services; apology; fine up to $50; community service or equiv. fine; restitution; educational program; trespass charges. Cat.2: letter of reprimand; exclusion from facilities/services; apology; fine up to $500; community service or equiv. fine; restitution; educational program; suspension from extra-curricular activities for up to 1 year. Additional sanctions by Director include suspension, expulsion, exclusion from facilities.</td>
</tr>
<tr>
<td>Guelph</td>
<td>26,000</td>
<td>Board Policy on Non-Academic Misconduct (2 versions, 2013 and 2014, linked in different places on website)</td>
<td>Student Judicial Services (Governance and Judicial Officer)</td>
<td>Board Student Rights and Responsibilities Committee</td>
<td>2 students on Judicial Committee</td>
<td>No</td>
<td>Governance and Judicial Officer</td>
<td>Officer</td>
<td>Offence ticket issued by campus police, standard fines - student may request hearing. Complaints filed with Student Judicial Services. Hearing by Judicial Committee. Residence cases handled by different committee.</td>
<td>List of university community values (diversity, learning, etc.) Students who don't comply are charged with breach of policy. Major offences identified.</td>
<td>Fines/conditional fines; restricted privileges/access; restitution; community &amp; educational programs; apology; Major: suspension/ expulsion.</td>
</tr>
<tr>
<td>McMaster</td>
<td>20,000</td>
<td>Student Code of Conduct (Senate Policy)</td>
<td>Office of Student Conduct</td>
<td>AVP Student Learning and Development, Dean of Students</td>
<td>Students on Peer Conduct Board, Peer Advisor for students</td>
<td>No</td>
<td>Student Conduct Officer</td>
<td>SCO</td>
<td>SCO investigates and may levy sanction(s), refer to Student Affairs Administrator or Peer Conduct Board (student's choice) or Dean of Students. SA Admin or Dean may dismiss or impose sanctions. Peer Conduct Board recommends to SA Admin.</td>
<td>Definition of minor, major offences and lists of examples for each in appendices that are not included.</td>
<td>Written warning; educational sanctions; restitution; behavioural contract/bond; fines up to $500; loss of privileges; persona non grata; suspension; expulsion.</td>
</tr>
<tr>
<td>University</td>
<td>Approx Size*</td>
<td>Code[s] of Conduct</td>
<td>NAD Administered by</td>
<td>Oversight Responsibility</td>
<td>Student Involvement</td>
<td>Concise Summary of process for</td>
<td>Complaints Received By</td>
<td>Who decides whether complaint proceeds</td>
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<tr>
<td>Ryerson</td>
<td>31,000</td>
<td>Student Code of Non Academic Conduct (Senate Policy): [link]</td>
<td>Student Conduct Officer</td>
<td>Vice Provost Students</td>
<td>none</td>
<td>Yes</td>
<td>Student Conduct Officer</td>
<td>SCO</td>
<td>SCO investigates - informal resolution if possible. SCO may proceed to formal hearing and dismiss, or impose sanctions for breach of code. May recommend serious sanctions to Vice-Provost Students. Different process for residence offences.</td>
<td>List of prohibited offences.</td>
<td>SCO: Written reprimand; apology; behavioural expectations; community service; restitution; restrictions on communications, access to facilities/services, may recommend to VP Students: de-enrollment from 1 class; suspension. VPS may recommend to Senate Appeals Ct: withdrawal, expulsion.</td>
</tr>
<tr>
<td>Trent</td>
<td>8,000</td>
<td>Charter of Student Rights and Responsibilities: [link]</td>
<td>Office of Student Affairs</td>
<td>AVP Student Affairs</td>
<td>Provision for Peer Advocate as one possible choice of advisor</td>
<td>No</td>
<td>Office of Student Affairs</td>
<td>Judicial Officer</td>
<td>Informal investigation &amp; attempt to resolve informally/ administratively. If not, formal meeting with Officer. Officer may dismiss or find misconduct and apply sanctions.</td>
<td>Yes</td>
<td>List of fundamental responsibilities.</td>
</tr>
<tr>
<td>Waterloo</td>
<td>34,000</td>
<td>Senate Policy on Student Discipline: [link]</td>
<td>Associate Deans; VP Acad &amp; Provost</td>
<td>None</td>
<td>Good summary contained in policy chart</td>
<td>Assoc Dean of student's faculty or campus police</td>
<td>Assoc Dean</td>
<td>Assoc Dean investigates - informal resolution if possible. AD may proceed to formal inquiry which may include meeting. Renders decision and imposes penalties if finding of misconduct. Senate Guidelines for Assessment of Penalties. Discipline decisions of academic support units (pub, library) are handled within the units.</td>
<td>Conflicting Resolution &amp; Human Rights Office, Student Resource (Success) Office</td>
<td>List of offences.</td>
<td>Letter of reprimand; disciplinary probation; restitution; community service; fines/fees from student residence/housing; ban from facility event, or campus; removal of privileges; suspension; expulsion; such other remedial or disciplinary action or order as appropriate in the circumstances.</td>
</tr>
<tr>
<td>Western</td>
<td>36,000</td>
<td>Code of Student Conduct (Board Policy): [link]</td>
<td>VP Students/Deans</td>
<td>VP Students reports annually to Board</td>
<td>none</td>
<td>No</td>
<td>Dean or Vice-Provost, depending on incident (undergrads); VP (grads)</td>
<td>Dean or VP</td>
<td>Formal resolution of minor incidents if possible; Dean (VP) investigates, may meet with student, renders decision and imposes sanctions if finding of misconduct.</td>
<td>Colleague chosen by student</td>
<td>List of prohibited conduct.</td>
</tr>
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NAD Review: LEWIS

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## University Non-Academic Discipline Processes Compared

<table>
<thead>
<tr>
<th>University</th>
<th>Approx Size*</th>
<th>Code[s] of Conduct and Disciplinary Procedures</th>
<th>NAD Administered by</th>
<th>Oversight Responsibility</th>
<th>Student Involvement</th>
<th>Concise Summary of process for</th>
<th>Complaints Received By</th>
<th>Who decides whether complaint proceeds</th>
<th>Investigation: Complaint Processing</th>
<th>Advisor/Advocate***</th>
<th>Responsibilities and Offences Against, Minor/Major</th>
<th>Sanctions</th>
</tr>
</thead>
<tbody>
<tr>
<td>York</td>
<td>49,000</td>
<td>Code of Student Rights and Responsibilities: <a href="http://www.yorku.ca/josc/pdfs/CodeofRightsandResponsibilities.pdf">http://www.yorku.ca/josc/pdfs/CodeofRightsandResponsibilities.pdf</a></td>
<td>Office of Student Conflict Resolution</td>
<td>AVP Students</td>
<td>Peer Review Board (residence cases only); University Tribunal contains some student members</td>
<td>Yes</td>
<td>Office of Student Conflict Resolution</td>
<td>Local Adjudicator</td>
<td>OSCR may attempt early/informal resolution (Dispute Resolution Advisors) or refer to Local Adjudicator/Peer Review Board. LA investigates if necessary and assigns sanctions or refers to University Tribunal.</td>
<td>Yes</td>
<td>Examples of behaviours that fall below standard expected. Where there is a breach of the Code, sanctions may be imposed.</td>
<td>LA or PRB: reprimand, educational program, refundable fine up to $500, behavior restrictions, fines up to $250, restitution up to $500, loss of non-essential services, relocation to other Univ. housing, residence suspension up to 5 days, denial of residence eligibility. Additional sanctions by LA or PRB: residence probation, removal from residence. Additional sanctions by Univ Tribunal: fines up to $1000, campus restrictions, full restitution, suspension, expulsion.</td>
</tr>
<tr>
<td>McGill</td>
<td>39,000</td>
<td>Code of Student Conduct and Disciplinary Procedures (Senate Policy): <a href="http://www.mcgill.ca/secretariat/files/secretariat/code">http://www.mcgill.ca/secretariat/files/secretariat/code</a> - student_conduct-disciplinary_procedures_april_2013_final_revised_3.pdf Academic and non-academic in same policy.</td>
<td>Office of the Dean of Students</td>
<td>Dean of Students (DOS); Senate appoints members of CSD</td>
<td>2 students on Cte on Student Discipline (CSD)</td>
<td>Yes</td>
<td>Disciplinary Officers (34 in various faculties/areas, eg libraries, residences)</td>
<td>Disciplinary Officer receiving complaint</td>
<td>DO investigates and if action required, invites student to disciplinary interview. DO considers and decides if misconduct, applies sanction(s); if not, student exonerated. If student contests, DOS meets with student, then full CSD hearing. CSD hears both academic and non-academic discipline cases.</td>
<td>Yes</td>
<td>List of offences.</td>
<td>Fines, restitution, security; admonishment; reprimand; conduct probation; suspension; exclusion from residence; dismissal; expulsion.</td>
</tr>
</tbody>
</table>

### NOTES

1. Chart compiled from material found on individual universities' websites.
2. *figures from OCUL (2014) for Ontario; Google search for McGill (2014); figures rounded off
3. **community: university community in most instances
4. ***Sometimes a peer, sometimes administrator as advisor or advocate for the student
5. Many codes of conduct have a review built in after a specified period of time
6. Portions of this document based on a chart originally compiled by Queen's in 2011

Only university surveyed that is outside Ontario
Appendix D – Coroner’s Letter and Recommendations
May 26, 2011

Dr. John Pierce  
Associate Vice Principal, Dean of Student Affairs  
Queen's University  
300 Gordon Hall, 74 Union Street  
Kingston ON K7L 2N8  

Dear Dr. Pierce  

Re: Our Files; 2010-7147 and 2010-11530  

I am writing to advise you of the results of my review of the deaths of Cameron Bruce and Habib Khan. Thank you for meeting with me and my investigators and for providing the materials necessary for our review.

The review was divided into two main categories, that of physical plant safety and that of alcohol use on campus. In regards to physical plant safety, there are no recommendations resulting from my review. I am satisfied that the issues have been and/or will be addressed.

In regards to alcohol use on campus, I am making the following recommendations:

1) Queen’s University should undertake an accelerated review of:
   - the management of possession and use of alcohol in residences
   - the feasibility of obtaining student consent for inspection of residence rooms for alcohol
   - security resources
   - the peer/student judicial system

2) Queen’s University should remove health and safety issues, including alcohol, from the jurisdiction of the peer/student judiciary.
3) Queen's University should review its Campus Alcohol Policy based on coordinated and integrated information from all affected departments.

4) Queen's University should develop and support educational programs directed at changing the culture of drinking on campus.

As we discussed, I will arrange a meeting with your replacement later this calendar year to review the university's progress with these recommendations. I will then make a decision about the need for an inquest.

Thank you again for your cooperation. I wish you all the best on your sabbatical.

Yours sincerely,

Roger Skinner, MD, CCFP (EM)
Regional Supervising Coroner

RS/ir
Appendix E – 2012 NAD Report
REVIEW OF NON-ACADEMIC STUDENT CONDUCT
POLICIES AND PROTOCOLS

REPORT AND RECOMMENDATIONS
TO THE PROVOST AND V-P (ACADEMIC)

April 2012
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INTRODUCTION

In the fall of 2010, the accidental deaths of two students at Queen’s resulted in a Coroner’s investigation. In May 2011, the Coroner made four recommendations to the university. The Coroner recommended that Queen’s should:

- undertake an accelerated review of the management of, possession and use of alcohol in residences, the feasibility of obtaining student consent for the inspection of residence rooms for alcohol, security resources, and the peer student judicial system;
- remove health and safety issues, including alcohol, from the jurisdiction of the peer/student judiciary;
- review the Campus Alcohol Policy; and
- develop and support educational programs directed at changing the culture of drinking on campus.

Shortly after the recommendations were received, the-then Provost and Vice-Principal (Academic) communicated to all students reminding them that Queen’s takes very seriously any misconduct that threatens the safety and security of the campus community, and that his office would deal with serious violations of the Queen’s University Student Code of Conduct (2008) per the provisions of the Senate Policy on Student Appeals Rights and Discipline (2004).

In September 2011, the new Provost and Vice-Principal (Academic) delegated his authority under the policy to the Vice-Provost and Dean of Student Affairs and requested a review of the non-academic student misconduct system at Queen’s. Terms of Reference of a review committee and its membership were finalized in October 2011.

While the Coroner’s recommendations provided the most recent impetus for a review of the non-academic misconduct system at Queen’s, it was not the only reason for a review. The increased complexity of risk and conduct issues on university campuses, combined with a greater focus on student health and safety have sparked many colleges and universities in Canada to review and update policies. There had been no comprehensive review of Queen’s system in several years and the combination of the Coroner’s recommendations and the changing environment made a review timely.

This report includes the review committee’s research and reflects its discussions and assessment of three possible options for a non-academic student conduct system at Queen’s. All committee members actively participated throughout the process. The advice and opinions of key campus stakeholders, including the Human Rights and Equity Offices, legal counsel, Health, Counselling and Disability Services (HCDS) and Campus Security, were solicited and integrated into the committee’s recommendations. Committee members were guided by the goal of making recommendations for a system that continues to adhere to the principles of fairness, transparency and due process and focuses on educational, developmental and progressive sanctioning that incorporates restorative justice approaches where appropriate.
REVIEW COMMITTEE

Mandate:
- Identify strengths and weaknesses in the non-academic misconduct system at Queen’s;
- Benchmark the Queen’s system against best practices among peer institutions;
- Recommend any changes that would maximize the consistency, efficacy and accountability of policies and protocols for the handling of non-academic misconduct at Queen’s; and
- Prepare a report for the Provost outlining its process, findings and recommendations, along with any proposals for revised policies for addressing non-academic misconduct at Queen’s.

Membership:
Ann Tierney (Chair) Vice-Provost and Dean of Student Affairs
Lori Rand (Secretary) Special Projects Coordinator, Student Affairs
Charles Sumbler Senior Associate to the Provost/V-P (Academic), Office of the P/V-P(A)
Leslie Dal Cin Director, Athletics & Recreation (A&R)
Jeff Downie Associate Director, Business Development and Facilities (A&R)
Arig Girgrah Assistant Dean, Student Affairs (Residence Life)
Shannon Goodspeed Executive Director, Commerce Program
Kieran Slobodin AMS, V-P University Affairs
Mark Preston AMS, Commissioner, Internal Affairs
Cody Yorke SGPS, V-P Professional
Harry Smith Coordinator, Dispute Resolution Mechanisms

Process:
The committee met 10 times between November 2011 and April 2012. Residence Life, AMS, and Athletics & Recreation representatives prepared and submitted SWOT analyses (Appendix I) of their respective non-academic conduct processes. The committee considered these SWOT analyses and:
- Invited and considered feedback from the university’s legal counsel, Campus Security’s Case Coordinator, the HCDS Director, and the Director and Advisors from the Human Rights and Equity Offices (Appendix II)
- Reviewed and discussed summaries of conduct polices and protocols at other Canadian universities (See pages 18-20)
- Reviewed literature relating to non-academic student conduct in post-secondary environments (Appendix III)
- Considered the merits of three possible options for non-academic student conduct at Queen’s (See pages 21-27).

A separate but parallel review of the current disciplinary system in Residences has been completed by Residence Life. Recommendations from that review align with the majority view of this committee and are included in Appendix VI.
EXECUTIVE SUMMARY OF RECOMMENDATIONS

This report includes nine recommendations for changes involving Queen’s University policies and processes relating to non-academic student misconduct. The committee has not come to a consensus on a fundamental issue in this review and that is the jurisdiction of the university over non-academic student misconduct. The majority of the committee supports maintaining the long-standing Alma Mater Society (AMS) and Society of Graduate and Professional Students (SGPS) processes within a university-managed system for addressing non-academic student misconduct. Student government representatives feel that changes can be made within the current Queen’s model that gives primary jurisdiction over non-academic misconduct to student government. The details of the current system, the rationale for the recommendations and a review of each model are set out later in this report.

Committee members all fully support and endorse the historic and valued engagement and participation of students in the non-academic student misconduct system. The fundamental disagreement is whether the university should oversee a system that retains extensive student involvement or whether management of the system should reside with student governments alone.

University representatives and members of the student governments are committed to continuing to work together in partnership and collaboration with the goal of acting in the best interests of students and the university community at large, as the model of administrative management of the system is further discussed.
RECOMMENDATIONS

As previously stated, while the committee members discussed several recommendations to improve non-academic student misconduct policies and protocols, there remains a fundamental divergence between the views of the representatives of student governments and the views of faculty/staff representatives regarding the administrative management of non-academic student misconduct at Queen’s.

The majority of the committee members, as well as representatives the committee consulted from Campus Security, the Human Rights and Equity Offices, HCDS and the university’s legal counsel recommend:

1. **That the university oversee the administrative management of the non-academic student misconduct system at Queen’s and that incidents be centrally coordinated by a university office that manages initial intake, refers cases to the most appropriate process, facilitates diversion for students-at-risk, and maintains accurate and complete records of all decisions. Such a system would retain within it the independent AMS and SGPS processes and the active participation of students in decision-making bodies regarding non-academic misconduct.** This is what is later referred to in this report as the hybrid system.

   The AMS and SGPS representatives do not endorse this recommendation. They support maintaining jurisdiction and management of the non-academic student misconduct system with student government, with continued reporting through a Senate committee.

   The following are recommendations that the committee has agreed on, subject to a decision on the administrative management of the entire non-academic student misconduct system. The majority of the committee submits that the successful implementation of recommendations 2 to 9 is dependent on the adoption of recommendation 1.

2. **That the university develop one comprehensive document called the Queen’s University Student Code of Conduct that outlines policies and procedural details for addressing non-academic student misconduct at Queen’s;**

3. **That the revised Code include a process for responding to cases with dual or overlapping jurisdiction;**

4. **That the revised Code include a process for diverting students-at-risk;**

5. **That the revised Code include a process for addressing misconduct by student groups;**

6. **That the revised Code clarify the role and authority of faculty boards in addressing non-academic misconduct in an academic setting;**

7. **That the revised Code include a clearly defined and categorized list of conduct (major and minor) that constitutes a violation of the Code, with an associated range of possible sanctions for each category;**

8. **That the revised Code clearly establish procedures for handling major violations; and**

9. **That a central searchable database be developed and maintained by the university to manage and track all incidents of non-academic student misconduct.**
CURRENT NON-ACADEMIC STUDENT MISCONDUCT SYSTEM

The current system for non-academic student misconduct at Queen’s is set out in the Queen’s University Senate Policy on Student Appeals Rights and Discipline as well as the Queen’s University Student Code of Conduct. Both documents have been approved by Senate and amended over time. There is also a Senate policy that grants faculty boards jurisdiction over “non-academic misconduct in an academic setting.”

There are various processes for non-academic student misconduct at Queen’s, administered through Residences, Athletics and Recreation, the AMS, the SGPS and through Provostial authority to refer cases directly to the University Student Appeal Board (USAB).

An outline of the current Queen’s system and the relevant sections of Queen’s policies are set out below:

**Queen’s Student Code of Conduct, Jurisdiction Section (footnotes omitted) reads:**

This Code applies to all conduct by a student that has a real and substantial connection to the legitimate interests of the University and/or the members of the University community. A determination as to whether student conduct has a real and substantial connection to Queen’s University may be made by any person or body authorized to make decisions in the disciplinary and appeal processes set out in this Code, and this determination may be appealed as provided for by this Code.

Senate has responsibility for the well-being of students and has the final responsibility for their discipline including the power to dismiss students for cause. The Senate Residence Committee is responsible for approving the overall process for Residence Student Discipline. The Principal or various bodies within the University may refer cases involving one or more students to the University Student Appeal Board (USAB) for a hearing so that a decision may be made. Otherwise, in the discharge of its disciplinary power, the Senate shall have regard to the initial responsibility of the Alma Mater Society (AMS) and the Society of Graduate and Professional Students (SGPS) of Queen’s University for the discipline of students in non-academic matters.

Queen’s University retains the right to exercise emergency powers, including the issuance of a Notice of Prohibition. The University administration may exercise emergency powers if satisfied that the interests or safety of other students, staff, faculty, or members of the public would be endangered by the student’s continued presence at Queen's University or specific part thereof or by the student continuing in a course or program. A Notice of Prohibition may be used to bar a student from entering some or all of Queen's University pending the outcome of a proceeding. The exercise of emergency powers, including the issuance of a Notice of Prohibition, takes effect immediately and is not suspended pending a hearing.

Faculty boards or their delegated bodies have jurisdiction to deal with issues of academic integrity and dishonesty as well as non-academic misconduct in an academic setting, and to impose sanctions.
Queen’s University Senate Policy on Student Appeals Rights and Discipline (SARD) states:

Non-Academic Matters

7. Student Conduct

Students are required to conduct themselves in a manner that does not infringe on the rights of other members of the University community. Student behaviour must also conform to the regulations of the University and its subordinate jurisdictions, including the Code of Conduct and any other applicable rules (for example, such as may exist in Queen’s residences). Student behaviour is also subject to the laws of Canada, the Province of Ontario and the City of Kingston. Hence it must be emphasized that the University’s system of non-academic discipline should not be regarded as a substitute for the civil or criminal law but rather as a complementary system that may be derived naturally from our existence as a clearly distinguishable community of interests.

8. Jurisdiction over Students Regarding Discipline

(a) Students who violate the Code of Conduct or other rules may be brought before the discipline adjudication body having jurisdiction over the subject matter. Non-academic discipline at Queen’s is enforced by the University’s administrative officers, faculty boards, departmental committees, the Alma Mater Society (AMS) and the Society of Graduate & Professional Students (SGPS) Judicial Committees, and the residence discipline process. Current Queen’s policies and the subject matter of the case will determine which adjudication body has jurisdiction in any particular case. Unless expressly stated, this Policy does not grant or alter the jurisdiction of any discipline adjudication body.

(b) The Senate Committee on Academic Procedures (SCAP) shall establish a policy that determines whether jurisdiction in cases involving academic matters, non-academic discipline in an academic setting, and academic dishonesty resides with the faculty or school offering the course or with the student’s home faculty or school. See Appendix B: Academic Discipline.

9. Non-Academic Discipline Jurisdiction

(a) The AMS and the SGPS have jurisdiction to deal with many issues of non-academic discipline and to impose sanctions. This jurisdiction does not include the power to require a student to withdraw from the University; however the AMS and the SGPS Judicial Committees may recommend to the appropriate Senate Committee (i.e. the University Student Appeal Board (USAB) or the Senate Committee on Non-Academic Discipline (SONAD)) that a student be required to withdraw from the University.
The University has also established a University Student Appeals Board (USAB) to hear appeals from all decision-making bodies in the University. Section 17(c) of the SARD enables that body to also hear cases in first instance at the discretion of the Provost. This sections reads:

The Provost may, in his or her sole discretion, refer any case of non-academic discipline or academic dishonesty to the USAB for hearing and disposition, as long as the matter has not been heard by another body. The USAB will have full jurisdiction to impose any sanction that could have been made by a body with original jurisdiction over the matter, including requiring the student to withdraw for a specified period of time. The Provost (or his or her designate) will be present at the case against the student and determine what sanction to seek to have imposed by the USAB.

In 2010 the Senate approved the Athletics and Recreation Non Academic Discipline Policy for Student Athletes and students engaged in athletic and recreation activities. See: http://www.gogaelsgo.com/sports/2010/10/8/GEN_1008104904.aspx?tab=disciplinepolicy
This policy is consistent with practice at other Canadian universities.

+++  

In summary, when an occurrence of non-academic student misconduct takes place, the case is generally referred to the AMS/SGPS directly by Campus Security or any other complainant. The AMS/SGPS will review the complaint and may proceed to an investigation. The AMS/SGPS will refer a case to the university if:

- it involves a student athlete to be addressed under that process
- it involves a student living in residence
- it involves an allegation of a serious nature that falls under Provostial authority (some of these cases are referred to the Provost directly from Campus Security)
- if it is recognized by student governments as a matter to be responded to by the Human Rights Office.

Within the structure of the current system, there is no central coordination and tracking to ensure timely referral, processing and resolution of cases. The processes are independent from each other and there can be inconsistent reporting and tracking. Annual reports are filed with SONAD from each office handling cases but there is no one central office that maintains all records of cases from the point of intake.
BEST PRACTICES INFORMING RECOMMENDATIONS

An environmental scan of non-academic misconduct systems and policies across peer institutions in Canada (pages 18-20) and a review of literature related to judicial affairs in university settings (Appendix III) revealed several best practices, which have informed the committee’s nine recommendations.

The environmental scan finds that Queen’s is unique in having a student-administered and largely student-run non-academic misconduct system. All other universities reviewed have a university-administered system with extensive student involvement in all levels of decision making.

The committee’s first recommendation deals with the issue of administrative management of the entire non-academic student misconduct system. It is strongly supported by the majority of the committee. These members, and key campus stakeholders, believe that a university-run system aligns with best practices across Canadian universities and would increase the coordination, efficiency, effectiveness and timeliness of non-academic student discipline, while preserving historic student involvement, promoting student well-being and mitigating risk to all students and to the university.

The other recommendations are unanimously supported, however the majority of the committee endorses recommendations two to nine on the basis that recommendation one is accepted.

**Recommendation 1:**

1. That the university oversee the administrative management of the non-academic student misconduct system at Queen’s and that incidents be centrally coordinated by a university conduct office that manages initial intake, refers cases to the most appropriate process, facilitates diversion for students-at-risk, and maintains accurate and complete records. Such a system would retain within it the independent AMS and SGPS processes and the active participation of students in decision-making bodies regarding non-academic misconduct.

This recommendation is endorsed by the majority of committee members. Representatives consulted from Campus Security, the Human Rights and Equity Offices, HCDS and the university’s legal counsel also endorse this recommendation.

The AMS and SGPS representatives do not endorse this recommendation. They support maintaining jurisdiction and management of non-academic student misconduct with student government, with continued reporting through a Senate committee.

**Rationale**

At Queen’s, while the Senate is ultimately responsible for non-academic student misconduct, this responsibility has been primarily delegated to student governments. Senate currently receives an annual report on cases handled. There is no central management and administration of the non-academic student misconduct system at Queen’s on an ongoing basis. Specific cases are referred
to various processes from bodies inside and external to the university and there is no consistency in how cases are referred, recorded, tracked and reported. With no central intake or coordination of non-academic student misconduct cases, the system lacks consistency, timeliness and accountability. The university currently has no clear mechanism to meet its responsibilities as an institution and to its students through inquiry, follow up and action on any specific case. The current system does not provide for ongoing university involvement in educational, developmental or other sanctions to address misconduct. In addition, the university can only ensure a serious case is heard or addressed if it either exercises its authority to issue a notice of prohibition or refers a case directly to USAB (Provostial authority). Otherwise, the AMS and SGPS determine whether or not to investigate or hear a case, they record the results and provide a report to Senate once per year.

There is currently no shared understanding of the type of misconduct or any trends of misconduct that may pose a health and safety risk to individuals or the community. The lack of such operational oversight and administrative responsibility by the university may place students at risk, particularly as behavioural misconduct is often complicated by complex underlying personal, social, psychological and health issues. While the university has a Threat Assessment Policy and Protocol to respond to cases where a student may pose a risk to others, there is currently no policy to address situations in which a student may pose a risk to him/herself. This is a gap that may increase risk to students and it exposes the university to liability.

Best practices, as reflected at every other Canadian university, include a policy on non-academic student misconduct that provides for university oversight and management, either through the Office of the President, Provost or Dean of Student Affairs. At all other institutions, one central conduct office oversees, manages, records and tracks student misconduct cases, though there may be separate polices and processes for specific categories of students, such as varsity athletes or students living in residence. At other institutions, there is often student participation in the system through peer conduct boards that handle many kinds of cases and/or student members sitting on disciplinary panels, along with faculty and staff members, to hear more serious cases.

Campus Security indicated to the committee that while communications and reporting by the AMS to the university has improved in recent years, this remains a function of the individuals hired annually to fill positions within student government.

Nothing in this section is meant to criticize the AMS or SGPS handling of any case. It is the lack of university involvement in oversight, decision-making, recording and tracking of cases that is concerning to the majority of the committee because of the potential safety risk to students or the campus community.

Centralized case management would support the university in meeting its obligations to ensure:

- a safe and secure campus;
- appropriate information-sharing;
- the tracking of any repeat, escalating or high risk behaviours; and
- immediate recognition and referral of cases involving potential human rights violations to the Human Rights Office.
Best practices, as reflected at every other Canadian university, have all cases going through a central university conduct office that handles intake, refers cases to the most appropriate process within the system (e.g. Residences, A&R, etc.), manages reporting and institutes various types of diversion processes as appropriate (e.g. student-at-risk).

It is the opinion of the majority of the committee that university oversight of non-academic student misconduct can be done in a way that preserves the long-standing and historic role that students have held at Queen’s in addressing cases of peer misconduct. The committee’s commitment to this principle is reflected in the recommended hybrid model for a new student misconduct system.

**Recommendations 2 - 9:**

The following are recommendations that the committee has agreed on, but the majority submits that the successful implementation of recommendations 2 to 9 is dependent on the adoption of recommendation one.

2. **That the university develop one comprehensive document called the Queen’s University Student Code of Conduct that outlines policies and procedural details for addressing non-academic student misconduct at Queen’s.**

Rationale

There is no one comprehensive document at Queen’s that provides:
- A clear policy statement regarding authority over non-academic student conduct
- Clear procedures and protocols to be followed in all cases of misconduct
- An itemized list and categorization of prohibited conduct
- A list of all available and appropriate sanctions associated with types of misconduct
- A clear process for documenting and tracking cases.

Other Canadian universities have coordinated systems for non-academic student misconduct that are clearly laid out in one document. An example is McMaster University, which has all processes set out in its Student Code of Conduct at: [http://studentconduct.mcmaster.ca/student_code_of_conduct.html](http://studentconduct.mcmaster.ca/student_code_of_conduct.html)

Best practices suggest non-academic student conduct policies and protocols be consolidated into one document.
3. That the revised Queen's University Student Code of Conduct includes a process for responding to cases with dual or overlapping jurisdiction.

Rationale

Queen’s currently has no clear process for addressing any conflict among processes or incidents with dual jurisdiction. The Student Code of Conduct says: “…neither the university nor any authorized university judicial official shall pursue disciplinary action if the same complaint is being addressed, or has already been handled, by another University Authority.”

For example, a student athlete may be involved in an incident that may result in a multi-game suspension. The incident might also justify another sanction such as a prohibition from part of the campus or the campus pubs. The Athletics and Recreation (A&R) process cannot impose sanctions other than those related to A&R; nor can the student-run processes or the Provost’s authority to refer incidents to USAB result in the game suspension of a varsity team member. The Code, as it currently reads, would suggest that if A&R suspends an athlete pursuant to its policy, no other university action can be taken.

Best practices suggest each incident should be handled through one system and referred to the appropriate specific process and that a statement should be adopted for addressing violations that fall within more than one system.

This is McMaster’s statement addressing dual jurisdiction:

Normally the policies listed above act independently of one another. In serious circumstances, more than one of these policies may apply. Any question of the application of this Code or related policies shall be determined by the [Vice-Provost and Dean of Students] in conjunction with the administrator of the other policy or policies. Where the alleged violation is processed solely under this Code the sanctions in the other relevant policy or policies shall be incorporated in their entirety into the terms of this Code. ~ McMaster University

4. That the revised Queen’s University Student Code of Conduct include a process for diverting students-at-risk.

Rationale

The Queen’s system currently has no mechanism for identifying and responding to students-at-risk in the context of non-academic student misconduct. For example, if behavior is linked to, or caused by, a mental illness, it may not be best addressed through a disciplinary system. Many Canadian universities have a student-at-risk policy that is referenced in their non-academic student misconduct policies.

Best practices suggest the university develop a policy to divert cases to a separate university process for students-at-risk, when behavioural concerns are attributed to illness or other risk factors.
5. **That the revised Queen’s University Student Code of Conduct include a process for addressing misconduct by student groups.**

**Rationale**

Currently at Queen’s, there is no process for addressing conduct of student groups. The *Student Code of Conduct*, the *Student Appeals Rights & Discipline* policy and the AMS and SGPS policies refer only to individual students. Most other Canadian universities address the conduct of student groups in their non-academic misconduct policies.

This is McMaster’s statement addressing misconduct by student groups:

> *Student Groups may be held responsible for violations of the Student code of conduct. They may be held responsible for violations if the misconduct occurs (i) on University Premises; (ii) at events off-campus organized by the group. The leaders, officers or any identifiable spokesperson of a Student Group may be held collectively and/or individually responsible when such violations are committed by persons associated with the group who have received consent or encouragement from the groups’ leaders or if those leaders knew that such violations were being or would be committed. The leaders of the Student Group may be directed to take action by the [Vice-Provost and Dean of Students] or other University official designated to prevent or end violations by the group or by any persons associated with the group. Failure to comply with the directive may be considered a violation of this Code, both by the leaders of the group and by the group.* ~ McMaster University

Best practices suggest the development of policies and protocols for dealing with misconduct by student groups.

6. **That the revised Queen’s University Student Code of Conduct clarify the role and authority of faculty boards in addressing non-academic misconduct in an academic setting.**

**Rationale**

There is reference in the *Student Code of Conduct* to faculty boards having authority to address non-academic misconduct in an academic setting: “…Faculty boards or their delegated bodies have jurisdiction to deal with issues of academic integrity and dishonesty as well as non-academic misconduct in an academic setting and to impose sanctions.” However, the committee could find no records to indicate when such authority is used and what the outcome of any such cases has been.

Best practices suggest developing clearly defined authorities and protocols for faculty board involvement in non-academic misconduct.
7. That the revised *Queen's University Student Code of Conduct* include a clearly defined and categorized list of conduct (major and minor) that constitutes a violation of the *Code*, with an associated range of possible sanctions for each category.

**Rationale**

In the current Queen’s system, there is no clearly categorized and itemized list of behaviours that constitutes misconduct in violation of the *Student Code of Conduct*, particularly in areas of safety, coercive and unsafe provision of alcohol, hazing and initiation rituals and tampering with safety devices, such as fire alarms and blue lights. At most other Canadian universities, violations are listed in detail and categorized as major or minor. A sample list from another Ontario university is found at Appendix IV.

In Queen’s current system, there is no common range and consistent application of possible sanctions for misconduct across the various disciplinary processes and as a result, similar incidents may be treated differently. In addition, the range of sanctions currently listed in the *Code* does not represent a comprehensive set of educational, remedial and progressive sanctions.

Best practices suggest detailing behaviour that violates the *Code*, categorizing the behaviour by level of severity and establishing appropriate and consistently applied sanctions for various kinds of behaviour.

8. That the revised *Queen’s University Student Code of Conduct* clearly establish procedures for handling major violations.

**Rationale**

Currently at Queen’s, there is no process that outlines how the university will address serious cases other than through a direct referral by the Provost to the USAB for hearing and disposition. There are no criteria to assist the Provost in determining when to refer a case directly to USAB and/or what, if any, investigation should first be conducted by the Provost or his/her delegate.

In Fall 2011, the Provost and V-P (Academic) delegated his authority to the Vice- Provost and Dean of Student Affairs (V-P/Dean). An interim process was developed for health and safety-related violations of the *Code* pending the outcome of the committee’s work and recommendations and in keeping with the Coroner’s recommendations. This process was approved by the Coordinator of Dispute Resolution Mechanisms, who is also the coordinator of the USAB and Chair of SONAD. In keeping with best practices, the process has been guided by developmental goals and, therefore, has sought to find educational, remedial and restorative resolutions where possible.

When the Office of the V-P/Dean receives a report of misconduct from Campus Security, a notice is sent to the student(s) alleged to be involved. The student is invited to meet with a Student Affairs representative to discuss the alleged *Code* violation and a suitable resolution. Students are informed of their right to obtain the assistance of a Dispute Resolution
Advisor (the coordinator’s contact information is provided) or any other person.

Forty-five students were dealt with through this process and another 24 students were referred to the discipline processes of the AMS, SGPS, Athletics and Recreation and Residences.

The university’s primary concern is always health and safety. Many of the incidents dealt with under this interim process involved students on the roofs of buildings. In some cases, the students had consumed large amounts of alcohol and a few had engaged in threatening and/or unsafe behavior while intoxicated. All 45 students agreed to meet with a Student Affairs representative and all chose to accept sanctions they helped to determine. The meetings were productive and supportive. Some of the conversations led to referrals to HCDS or academic support services. Letters were sent to each student summarizing the meeting and outcomes. All sanction requirements have been completed. To date, no repeat violations have come to the attention of Campus Security.

This was an interim diversionary process, but the majority of the committee recommends both a hearing process for serious cases and the maintenance of a diversion process for settlement.

In the current system, the direct referral by the Provost of cases to USAB means the cases are heard first by that body. The only appeal is a process external to the university - a judicial review - which is costly and may not be in the best interest of either the student or the university. There should be a pre-USAB process and USAB should be the appellate body.

Best practices suggest serious cases involving major offences be handled through a university tribunal system with student representation, while minor offences be handled by a peer conduct board operating within the university system. In the proposed hybrid model, the AMS and SGPS processes would constitute the peer conduct boards.

9. **That a central searchable database be developed and maintained by the university to manage and track all incidents of non-academic student misconduct.**

**Rationale**

At Queen’s, other than the annual submission of reports to Senate, there is no central record keeping or tracking system for non-academic student misconduct cases and outcomes. Cases are dealt with by one of the disciplinary processes, and the reporting of outcomes is inconsistent. The timely tracking of multiple offences is not possible unless they occur within the same process.

Access to the database would depend on the model of the system. Privacy concerns would need to be addressed when determining access to student information.

Best practices suggest a centralized database that is maintained by the university.
LITERATURE HIGHLIGHTS

The committee reviewed existing literature on non-academic student misconduct systems. These highlights include an analysis of best practices to ensure non-academic misconduct systems are developmental, educational and address campus safety and security.


- Student discipline as a distinct functional area within student affairs
- Qualified member of the campus community must be designated as the person responsible for student conduct programs
- Designee responsible for student conduct should hold an earned graduate degree and have an educational background in the behavioral sciences (e.g., college student affairs, psychology, sociology, student development including moral and ethical development, higher educational administration, counseling, law, criminology, or criminal justice)
- Authority, philosophy, jurisdiction, and procedures must be developed and disseminated
- Staff members must use reasonable and informed practices to limit the liability exposure of the institution, its officers, employees, and agents
- Primary role of student conduct staff members is that of educator
- Student conduct programs must be based on theories and knowledge of learning and human development and reflective of developmental and demographic profile of students
- Student conduct program leaders selected on the basis of formal education and training
- Student conduct program leaders require relevant work experience, personal skills and competencies, relevant professional credentials and qualified to accomplish goals
- Student employees/volunteers must be carefully selected, trained, supervised, evaluated.


- Conduct officers should not only develop sanctions that address behaviour, but be skilled enough to address other developmental or behavioural issues surrounding the behaviour.


- In order to be effective, it is critical that a conduct system is accessible to students. They need to know the policies and be communicated with in a clear and concise way, using minimal amounts of legal jargon.
- In a restorative justice model, it is important to reflect on the overarching mission of the university, rather than modern judicial affairs practices and procedures.


- Over 96% of the judicial officers reported having at least a Master’s degree (p.168)
ENVIRONMENTAL SCAN: CANADIAN UNIVERSITY CONDUCT SYSTEMS REVIEW
Institutional Summary

The chart below summarizes the non-academic student misconduct systems at several Canadian universities. It demonstrates that Queen’s is the only university that currently has an entirely peer-run system.

<table>
<thead>
<tr>
<th>Name</th>
<th>Size</th>
<th>Accountability</th>
<th>Staffing</th>
<th>Student Involvement</th>
<th># of Cases (2010-11)</th>
<th>Review</th>
<th>Comments</th>
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<tbody>
<tr>
<td>Queen’s</td>
<td>21,000</td>
<td>Alma Mater Society, Provostial Authority temporarily delegated to the Vice-Provost and Dean of Student Affairs</td>
<td>• Judicial Affairs Director (full-time student, full-time position)</td>
<td>Entirely peer run.</td>
<td>2010/2011 = 76 cases</td>
<td>Underway</td>
<td></td>
</tr>
<tr>
<td>Brock</td>
<td>17,000</td>
<td>Office of Student Conduct (University Administration)</td>
<td>• Manager, Student Conduct (full-time) • Work-study student (1 X 12 hrs/wk)</td>
<td>Discipline Panel (hears cases) has student members. • Manager, Student Conduct has final say on sanction.</td>
<td>325-350</td>
<td>Annually</td>
<td>• Considering creating another f-t position. • Intentional about assessment (Student Voice).</td>
</tr>
<tr>
<td>Calgary</td>
<td>30,000</td>
<td>Office of Student Conduct (University Administration)</td>
<td>• Manager of Student Conduct (full-time)</td>
<td>No current peer involvement</td>
<td>Sept-Nov 2011 = 30 cases</td>
<td>New system, review timeline not set</td>
<td>• Needs additional staffing support.</td>
</tr>
<tr>
<td>Carleton</td>
<td>24,000</td>
<td>Office of Student Affairs (University Administration)</td>
<td>• Director, Student Affairs (no dedicated staff) • SA staff assist in advising Peer Conduct Board</td>
<td>Peer Conduct Board that hears cases has student members. • Director, Student Affairs has final say on sanction.</td>
<td>150</td>
<td>2013</td>
<td></td>
</tr>
<tr>
<td>Name</td>
<td>Size</td>
<td>Accountability</td>
<td>Staffing</td>
<td>Student Involvement</td>
<td># of Cases (2010-11)</td>
<td>Review</td>
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| Guelph     | 22,000| Judicial Office (academic & non-academic) (University Administration)            | • Judicial Officer (full-time)                                           | • Judicial Committee that hears cases has partial student membership.                | 81                   | Internally reviewed on an on-going basis – consult as needed | • System is grounded in legal framework.  
  • Academic and non-academic conduct is together. |
| Laurier    | 15,000| Dean of Student Affairs (University Administration)                              | • Dean of Student Affairs (no dedicated staff)                          | • Judicial Affairs Council that hears cases has student members.                    | 100-150              | Currently under review               | • Working on getting a full-time conduct officer.                                           |
| McMaster   | 26,000| Associate Vice-President (Student Affairs) and Dean of Students (University Administration) | • Manager, Student Conduct and Community Standards (full-time)  
  • Student Conduct Officer (4 days/wk Sept-May) | • Peer Conduct Board that hears cases has student members.  
  • Peer Conduct Advisors (senior members of PCB)  
  • Manager has final say on sanction. | 80                   | Senate chooses review dates                                             |                                                                             |
| Ryerson    | 32,000| Vice Provost of Students (University Administration)                             | • Student Conduct Officer (full-time)                                   | • If remedy (sanction) may include expulsion or permanent program withdrawal, one student sits on the hearing committee (Senate Appeals Committee).  
  • In cases not associated with academic impact, SCO has final say on sanction. | 2009-2010 = 200  
  Unknown for 10-11 | Every 3 years (new in full 2011)                                                 | • Needs additional staffing support.                                     |
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<th>Size</th>
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<th># of Cases (2010-11)</th>
<th>Review</th>
<th>Comments</th>
</tr>
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<tr>
<td>Trent</td>
<td>8,000</td>
<td>Office of Student Affairs (University Administration)</td>
<td>Judicial Officer (40-50%)</td>
<td>Charter Appeals Committee that hears cases has student members.</td>
<td>70</td>
<td>Every 2 years</td>
<td>New system, so in building stages.</td>
</tr>
<tr>
<td>Western</td>
<td>34,000</td>
<td>Office of the Vice-Provost (Academic Programs and Students) and Registrar (University Administration)</td>
<td>Vice Provost and Assistant to the Vice-Provost (no dedicated staff)</td>
<td>No current student involvement</td>
<td>23</td>
<td>2010</td>
<td></td>
</tr>
<tr>
<td>Windsor</td>
<td>16,000</td>
<td>Vice-Provost of Students</td>
<td>Judicial Affairs &amp; Hearings Officer (full-time)</td>
<td>Judicial Panel that hears cases has 1 student member.</td>
<td>150</td>
<td>Unknown</td>
<td>Academic and non-academic conduct is together.</td>
</tr>
</tbody>
</table>

Queen’s University Review of Non-Academic Student Conduct Policies and Protocol
April 2012
Not to be copied or distributed in whole or in part
OPTIONS FOR A NEW NON-ACADEMIC MISCONDUCT SYSTEM

After considering best practices, reviewing the literature and the environmental scan and after hearing from representatives from Campus Security, the Human Rights and Equity Offices, HCDS, and the university’s legal counsel, the committee reviewed three possible models for a non-academic student misconduct system at Queen’s. Schematic diagrams of the models follow this section.

Members were guided by the goal of making recommendations for a system that continues to adhere to the principles of fairness, transparency and due process and focuses on educational, developmental and progressive sanctioning that incorporates restorative justice approaches where appropriate. Again, all members are committed to preserving the historic role of student involvement in non-academic student misconduct.

The majority of the committee recommends adopting the hybrid model, described below as option one. The AMS and SGPS representatives do not support this model, but rather endorse the current model (option two).

Option One: Hybrid Model - RECOMMENDED BY MAJORITY

This option proposes to maintain the long-standing and independent AMS and SGPS processes within a university system that would include the establishment of a university conduct office. This office would manage initial case intake, consultation, diversion as appropriate, referral, follow-up and record-keeping.

Non-academic misconduct would be clearly defined and categorized into behaviour that constitutes a minor offence and that which constitutes a major offence.

Cases categorized as minor would be triaged by the conduct office and referred, as appropriate to Athletics and Recreation, Residences, the AMS or the SGPS for review and a hearing. This level of student responsibility in non-academic student misconduct would be unique among Canadian universities and would uphold the Queen’s tradition of student government involved in discipline. Outcomes would be reported immediately to the central conduct office. Appeals would be heard by USAB.

Cases categorized as major would be managed by the conduct office and streamed through a University Conduct Board comprised of students, faculty and staff members for a hearing, the Student-at-Risk policy, or through a diversion process, as appropriate. Appeals from the University Conduct Board would be heard by USAB.

The conduct office would consult with and refer cases to Faculties/Schools, HCDS and the Human Rights Office as required. This model addresses concerns expressed by the Human Rights Office about the need for increased continuity and coordination across the system.
Discussion:

The AMS and SGPS representatives on the committee do not support the hybrid model. They strongly feel that a student-run system should continue to be a tenet of non-academic student misconduct at Queen’s.

Committee members representing faculties, A&R, Residences, the Office of the Vice-Provost and Dean of Student Affairs, and the Office of the Provost and V-P (Academic) believe greater university accountability is needed. They strongly feel the hybrid model would retain Queen’s unique involvement of students in non-academic misconduct processes, while meeting the university’s responsibilities as an institution to mitigate risk to student health and safety and minimize liability. They believe that university oversight and management of the entire system would:

- preserve the unique and historic involvement of student government in non-academic student misconduct, while balancing the need for greater university accountability
- provide greater coordination, accountability and efficacy
- improve consultation, coordination and communication with Campus Security, Faculties/Schools, those responsible for the Student-At-Risk policy, the Threat Assessment Team/HCDS, the Human Rights Office and all existing disciplinary processes
- ensure the university meets its legal and fiduciary responsibilities
- give the university the ability to regularly assess and evaluate the system as a whole
- ensure the university can exercise appropriate authority with respect to student misconduct to ensure the safety and security of the campus within a system that values mutual respect for the rights, responsibilities and dignity of all members of the university community.

The siloed nature of the current system increases risk to students and exposes the university to unnecessary liability. The majority of the committee members feel students who come into the system should be responded to by an integrated, effective and professional system that adheres to best practices, while maintaining a significant level of peer involvement. The natural and continual transition of the student judiciary does not provide the long term consistency required for maximum efficiency and effectiveness of the system.

In addition, the current system does not provide for ongoing university involvement in educational, developmental or other sanctions to address misconduct. The university is currently only able to intervene in a limited way in the most serious cases. This represents a missed opportunity for the university to intervene and refer for assistance students who may be engaging in behavior that is very detrimental to his or her well-being. This increases the level of risk to students and the institution.

The majority of committee members believe the role of the student/peer judiciary is important and can be maintained within a university-managed system. The majority of the committee believes the university has a responsibility to become more involved on an ongoing basis to meet its obligations as an institution and support student health, safety and success.
A non-academic student misconduct system is one important component of broader strategies that universities are expected to develop and maintain to promote student health and wellness, as well as positive and pro-social student development and behavior. The majority of committee members feel the system should be managed by the university and integrated with other university efforts to promote student health, wellness, safety and success.

**Option Two: Current Model – RECOMMENDED BY THE AMS AND SGPS**

Under this option, recommendations two to nine would be implemented within the current model of jurisdiction over non-academic discipline at Queen’s. There would be no central intake or coordinating office. Cases would continue to be referred by various bodies directly to A&R, Residences, the AMS, the SGPS or a Provostial process.

**Discussion**

This option is endorsed by the AMS and SGPS. The AMS and SGPS representatives on the committee hold the position that a student-run system should continue to be a tenet of non-academic student misconduct at Queen’s.

The majority of the Committee members as well as representatives from the Human Rights and Equity Offices, HCDS, Campus Security and the university’s legal counsel do not endorse this option. They believe the challenges and issues presented by the current system cannot be solved within the current model. They believe university oversight and management with student-involvement throughout the system is an absolute necessity.

**Option Three: Reform Model – NOT RECOMMENDED**

This option is consistent with non-academic student misconduct systems at all other Canadian universities. However, this model is not recommended because it would eliminate the conduct offices established by the AMS and SGPS that reflect the historic involvement of the student government in the discipline system.

Such a model would create a university-run system that would be coordinated through a university-administered central student conduct office. There would be one policy and one process that would invoke the A&R and Residence processes, as appropriate. The current AMS and SGPS judicial processes would be replaced, although student involvement would be maintained. The university conduct office would recruit students to sit on a Peer Conduct Board to hear cases involving minor offences. A University Conduct Board, comprised of students, faculty and staff members, would hear cases involving major offences. The appellate body from both Boards would be USAB.

**Discussion**

The majority of the Committee believed that such a model would:

- improve consistency, timeliness, accountability and overall efficiency of the system (fewer offices dealing with conduct)
• more substantively involve students as partners within a university-run system
• allow for greater involvement of students-at-large in the conduct system
• align with recent professionalization of student conduct programs across North America.

However, the majority of committee members feel the hybrid model would achieve the same beneficial results while maintaining the historic role of the AMS and SGPS in the non-academic student misconduct system at Queen’s.

The committee would be pleased to discuss this report in detail with you at your convenience.

The committee has not drafted policy changes or motions as part of this report, as those would need to follow your review of the report and decision regarding the recommendations. The Office of the University Secretariat and particularly the University Dispute Resolution Office will be instrumental in determining the next steps for any approval processes.
NON-ACADEMIC STUDENT CONDUCT: SCHEMATIC MODELS continued
CONSULTATION
Faculty/School
Human Rights Office
Legal Counsel
Health Counselling & Disability Services
Threat Assessment Team
Student-at-Risk Policy
## APPENDIX I: SWOT ANALYSES

**AMS Non-Academic Discipline System, Judicial Affairs Office**

<table>
<thead>
<tr>
<th>Strengths</th>
<th>Weaknesses</th>
<th>Opportunities</th>
<th>Threats</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Restorative system</strong> – by focusing on restorative rather than punitive sanctions, non-academic discipline is better able to repair harm done to an individual or the community, while simultaneously promoting personal growth on the part of the respondent.</td>
<td><strong>Transition process</strong> – current process is ad-hoc. We are currently engaged in looking into a more prescriptive process to be enshrined in Commission policy.</td>
<td><strong>Joint review of current systems re. Coroner’s recommendations</strong> – may allow for concerns to be raised and for positive and constructive changes to be implemented. Opportunity for system to be bolstered, improved.</td>
<td><strong>Vague and imprecise Code of Conduct</strong> – current Code of Conduct is lacking in its ability to, in a clear and concise fashion, delineate what constitutes a violation of the Code.</td>
</tr>
<tr>
<td><strong>Peer Administered system</strong> – “This willingness to lead exhibited by students is cultivated from a distinct awareness that no other body can better understand the challenges, behaviour, and nuances of our peers. Students recognize that no other body is more apposite in rendering a fair and equitable discipline system that holds students accountable for their actions” (2006 Senate Report).</td>
<td><strong>Sanctioning Graduating Students</strong> – Once a student has convocated, they are no longer bound by the student code of conduct. Many cases arising in April and May have historically been dropped as it has not been possible to complete all necessary investigations before a student graduates. This has been alleviated slightly as fines and bonds can be placed on SOLUS student accounts which need to be paid in order to graduate.</td>
<td><strong>Community and Residence Awareness Campaign Revamp</strong> – newly designed Kingston Community and Residence NAD pamphlets will improve the perceived professionalism of NAD while simultaneously improving their knowledge of the system.</td>
<td><strong>Lack of knowledge of system by University administration and outside parties</strong> – this is not a uniform weakness across all bodies, but a lack of knowledge about the system does persist. This information gap hinders meaningful discussion and insight into positive changes that could be made.</td>
</tr>
<tr>
<td><strong>Complaint-based system</strong> – a complaint-based NAD system ensures that students do not view NAD as a policing body, and are therefore more inclined to engage with the system.</td>
<td><strong>No central database</strong> – currently no central repository exists for tracking student’s behavioural infractions across all campus discipline systems</td>
<td><strong>Increased Frequency of NAD Operations Reports to AMS Assembly and SONAD</strong> – the addition of a midyear Operations Report presented to AMS Assembly and SONAD by the Director will increase both accountability and transparency of the JAO.</td>
<td><strong>Peer-run system may have negative perception</strong> – the thought of students running such an important system may worry some people who lack a more complete knowledge of the system.</td>
</tr>
<tr>
<td>Strengths</td>
<td>Weaknesses</td>
<td>Opportunities</td>
<td>Threats</td>
</tr>
<tr>
<td>-----------</td>
<td>------------</td>
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<td>---------</td>
</tr>
<tr>
<td><strong>Non-adversarial system</strong> – a non-adversarial system ensures that members passing through the system feel comfortable engaging with the Director and deputies to restore harm done.</td>
<td><strong>Registrar</strong> – the Registrar’s office is inconsistent when replying to the Director with contact information for students. This slows the NAD process.</td>
<td><strong>Creation of the NAD Clerk Position</strong> – the amalgamation of the JComm Clerk and Judicial Affairs Clerk will ensure communications with respondents, complainants and the office are carried out after JComm hearings have occurred.</td>
<td><strong>Universities failure to implement and uphold 2006 recommendation</strong> Of the five Senate recommendations proposed by SONAD in 2006, the university has failed to fully complete two of their objectives.</td>
</tr>
</tbody>
</table>

**Existing NAD Awareness Campaigns** – campaigns targeting Kingston residents and first year students have raised awareness of the NAD system within the greater Queen’s and Kingston communities.

**Committed team of volunteer** – the hiring process for volunteers is very competitive which has allowed only very strong individuals to be hired. As well current training process is rigorous.

**Judicial Committee** – the existence of the Judicial Committee is crucial. It allows a comprehensive review panel to be in place to ensure fairness and legitimacy. As well the fact that students are hearing the case is inherently valuable.

**Two full-time employees** – the Commissioner of Internal Affairs and the Judicial Affairs Director are both full time, salaried employees. This allows for greater accountability and dedication.
APPENDIX I: SWOT ANALYSES continued

Athletics & Recreation Non-Academic Discipline System

<table>
<thead>
<tr>
<th>Strengths</th>
<th>Weaknesses</th>
</tr>
</thead>
<tbody>
<tr>
<td>▪ Single Policy, standard process that accommodates two diverse groups</td>
<td>▪ Relies on volunteers</td>
</tr>
<tr>
<td>(Athletics / Recreation) while recognizing uniqueness of each sporting</td>
<td>▪ Precedent based, but also dependent on the rotating make-up of the panel</td>
</tr>
<tr>
<td>environment</td>
<td>▪ No access to previous student history to identify trends, or patterns</td>
</tr>
<tr>
<td>▪ Inclusive / peer driven, includes students, coaches, leaders,</td>
<td>of behaviour</td>
</tr>
<tr>
<td>intramuralists, etc.</td>
<td>▪ Limited linkage to other systems on campus</td>
</tr>
<tr>
<td>▪ Well defined, formal process/structure in place / Appeal process in</td>
<td>▪ Time consuming, incomplete information and and/or duplication (investiga-</td>
</tr>
<tr>
<td>place. Consistency is built in in terms of the chairs of the panels</td>
<td>tion, record keeping)</td>
</tr>
<tr>
<td>▪ Tested – all paths and outcomes, and formal appeals</td>
<td>▪ Awareness/access to on-campus resources to assist with meaningful ed-</td>
</tr>
<tr>
<td>▪ Student-athletes, participants required to “sign off” on behaviour</td>
<td>ucational component of sanctions</td>
</tr>
<tr>
<td>guidelines</td>
<td>▪ Overlap with other processes / confusion to which process should apply</td>
</tr>
<tr>
<td>▪ Procedures/timelines responsive to meet unique requirements of sport</td>
<td>▪ Linkage of sanctions from external groups (criminal, league, CCES)</td>
</tr>
<tr>
<td>▪ Ability to manage/monitor follow-up and sanctions</td>
<td>▪ Volume, time, expertise</td>
</tr>
<tr>
<td>▪ Complaint driven, but with full-time staff members who monitor and</td>
<td>▪ Consistency with other discipline processes on campus (process, sanc-</td>
</tr>
<tr>
<td>report incidents</td>
<td>tions)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Opportunities</th>
<th>Threats</th>
</tr>
</thead>
<tbody>
<tr>
<td>▪ More training</td>
<td>▪ Lack of complaints put into system requires continuous education and</td>
</tr>
<tr>
<td>▪ More consistency for volunteers – 2 year terms?</td>
<td>awareness campaigns to our community.</td>
</tr>
<tr>
<td>▪ Single focused (athletics/recreation) - linkage to other systems on</td>
<td>▪ Overlap with other processes / confusion to which process should apply</td>
</tr>
<tr>
<td>campus would improve awareness/efficiency/resources</td>
<td>▪ Linkage of sanctions from external groups (criminal, league, CCES)</td>
</tr>
<tr>
<td></td>
<td>▪ Volume, time, expertise</td>
</tr>
</tbody>
</table>
APPENDIX I: SWOT ANALYSES continued

Residence Judicial System Analysis
(Compilation of Feedback from Residence Life professional and student staff)

**Strengths**
- Peer-centred; student involvement
- Student sense of ownership
- Opportunities for student employment
- Complementary to peer helping function
- Remedial with opportunities for restorative approach
- Educational and progressive nature of system
- Investigation by peers
- Residents have a voice; opportunities for discussion and appeal
- Supported by Residence Life
- Increased collaboration with internal partners (ResTech, Front Desks, Dining Halls, Campus Security)
- Process for revising procedures via Discipline Working Group (SRC)
- Accountable to variety of stakeholders
- Tiered system with progression of offences
- Ability to provide written warnings
- Level 3 (most serious cases) dealt with by Residence Management
- Opportunities for behavioural change/growth and learning
- Improved participation/attendance rates of volunteer students to hear cases through on Peer Judicial Board
- Special circumstances developed and successfully employed during exams, holiday breaks, Orientation week

**Weaknesses**
- Sometimes lack of respect for peers
- Possible misalignment with administrative goals
- Inadequate communication and outreach to residents regarding rules and regulations
- Some educational sanctions ineffective
- Considerable number of procedural irregularities with many actors in system
- Inconsistencies in application of system and decision-making at for level 1 and 2 incidents due to number and training of actors
- Too much time to process level 2 cases
- Administratively burdensome and inefficient; too many touch points
- Residence government does not have resources to administer system, rely heavily on Residence Life
- Residence Life staff have limited ability to influence recruitment, training and performance management of Council staff involved in administering the system – year over year challenges due to lack of continuity
• Database functionality adequate but greater statistical analysis and reporting capability would be useful
• Too many steps in processing a single case – especially as number of students involved in case grows => contributes to error
• Discipline Working Group structure, membership and operation seems outdated – based on old model of accountability of Residence Judicial Officer
• Lack of cohesiveness between Dons, Residence Facilitators and Council – in part due to separate lines of accountability and authority as well as leadership and staff development philosophies and practices
• Statistical reporting is challenging
• Fines and bonds are time consuming to track and administer
• Process not as transparent or clear as possible for students (and parents)
• More than one Council creates slight but important differences in hiring, training and performance management of student staff

Opportunities
• Residence Life to oversee management of entire student conduct system
• Residence Life to employ Residence Facilitators and be responsible for their recruitment, selection, training and performance management
• Implement appeals based system for minor/Level 1 violations to reduce administration and improve efficiency
• Develop expanded advocacy role of one Vice-President Discipline (of Residence Council) working more closely (in a mentorship capacity) with Residence Student Conduct Advisor
• Improved training for Dons and Residence Facilitators
• Greater collaboration/communication with AMS, SGPS, Athletics & Recreation, Campus Security, Student Affairs, HCDS and Human Rights Office
• Merging Councils to form one Queen’s Residences Council (reasons for separation are historic and demographic as well as needs have evolved) – greater consistency

Threats
• Potential for delay in response time if inconsistencies and irregularities persist
• Team breakdown between Dons and Residence Facilitators, Residence Life and Council without seamless, consistent and fair employment policies and practices as well as staff development and expectations
• Retention of student staff
• Credibility, consistency and efficacy of Residence Judicial System
• Public scrutiny (Coroner’s recommendations, parent concerns, Town Gown relations)
• Risk Mitigation and Liability issues
### APPENDIX II: STAKEHOLDER FEEDBACK

#### Campus Security
(Murray Skeggs, Dave Patterson)

<table>
<thead>
<tr>
<th>Explain model/process used for handling student conduct.</th>
</tr>
</thead>
<tbody>
<tr>
<td>● Respond to calls</td>
</tr>
<tr>
<td>● Collect information on-site</td>
</tr>
<tr>
<td>● Input all information into reporting system</td>
</tr>
<tr>
<td>● Incident is reviewed during the next business day by Murray Skeggs</td>
</tr>
<tr>
<td>● Murray in consultation with David selects cases that need to be re-distributed and sends along to either the AMS or the Vice-Provosts Office</td>
</tr>
<tr>
<td>● AMS and Vice-Provosts Office does investigation and follow-up</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Is the model effective?</th>
</tr>
</thead>
<tbody>
<tr>
<td>● On a scale of 1-10 (1=not effective, 10 =effective), this year =5. Last year = 2.</td>
</tr>
<tr>
<td>● The model is inconsistent (from year to year, and with the type of information that is shared with either the Vice-Provosts Office and the AMS, the way the information is packaged).</td>
</tr>
<tr>
<td>● Still establishing which cases go where, but better than last year. Still not consistent.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Have there been concerns/challenges/gaps with the model?</th>
</tr>
</thead>
<tbody>
<tr>
<td>● The change in leadership and turnover in the AMS from year to year is very difficult. No consistency.</td>
</tr>
<tr>
<td>● Inconsistent reporting methods</td>
</tr>
<tr>
<td>● If there were one place to send all of the information and it could be accessed, it would be helpful.</td>
</tr>
<tr>
<td>● The sanctions assigned are not a deterrent to recidivism. The sanctions are not harsh enough. Are they truly restorative?</td>
</tr>
<tr>
<td>● Challenging to cut and paste each case in order to send information to AMS and Vice-Provost Office.</td>
</tr>
<tr>
<td>● Challenging to not have access to complete picture (e.g., second year student could have an offence, perhaps they had multiple similar offences in Residence last year, but they can’t access this information, therefore there is not a complete picture). Positive move forward with recent access to eRes for Murray Skeggs.</td>
</tr>
<tr>
<td>● Challenging for security staff coming on shift – it would be helpful if they could see what has happened before they come on shift, so they know in advance what they might be walking into if they get calls. They often feel like they come into Residence when it is already escalated, but they didn’t have the information in advance.</td>
</tr>
</tbody>
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<table>
<thead>
<tr>
<th>What changes would you recommend?</th>
</tr>
</thead>
<tbody>
<tr>
<td>● Need better software – cutting and pasting information to send is a challenge.</td>
</tr>
<tr>
<td>● Need software that will allow access to Residence cases.</td>
</tr>
<tr>
<td>● It would be helpful to have a level-based sanction system similar to Residence.</td>
</tr>
<tr>
<td>● AMS system has potential to work if there was a permanent university staff person to oversee the system from year to year.</td>
</tr>
</tbody>
</table>
APPENDIX II: STAKEHOLDER FEEDBACK continued

Equity Office and Human Rights Office
(Irene Bujara, Stephanie Simpson, Heidi Penning)

Explain model/process used for handling student conduct.

- Peer advisory systems provide an additional point of entry/contact for students wishing to obtain advice about human rights/responsibilities at Queen’s.
- AMS Constitution refers to harassment/discrimination and the Queen’s Harassment and Discrimination Policy – any complaints related to human rights based harassment/discrimination must be referred to the HRO (Human Rights Office).
- Therefore, when the HRO receives NAD case referrals, they get most of them from the AMS Judicial Officer.
- Once the HRO receives the referral, the process is completely case dependent. The HRO generally takes the lead on the case and usually develops a resolution in isolation of the AMS (resolutions are confidential). On these cases, they do not report back to the AMS. On occasion (but not often) they will work with the AMS on the case together.

Background

- Until the early 1990’s, the AMS dealt with harassment/discrimination cases without the involvement of the HRO. At one point, there was an attempt to process a sexual assault through the NAD process; the case was mishandled through the AMS Judicial system such that the student victim could not pursue criminal charges. This prompted the change to the AMS constitution which thereafter referred harassment/discrimination issues to the centralized university human rights procedures. The HRO and the AMS Judicial Office have developed a positive working relationship over the past few years.

Is the model effective?

- On a scale of 1-10 (1=not effective, 10=effective) = 4. The HRO said they could not give the current system a passing grade with respect to human rights cases and based on known information.

Have there been concerns/challenges/gaps with the model?

- There is little institutional memory passed on from year to year as the case reporting system is not comprehensive (possibly also because of student turnover).
  - The HRO provides a small amount of training to the Judicial Affairs Office (usually 1 ½ hours). Unfortunately, identifying cases of Human Rights violations is complicated and needs a refined eye, so the students could easily miss essential components of cases that should involve the HRO. The training is somewhat helpful, but far from what is needed.
  - N.B. on occasion, it is even difficult for other services/administrative offices to properly identify which cases should involve the HRO.
  - There are also challenges in Residence – year to year, and RLC to RLC there is little consistency. The HRO could get 10 calls over a year from 1 RLC, and not hear from any of the others for the entire year. The HRO Advisors feel there is a gap in the training the RLC’s receive on identifying/referring and Human Rights violation.
  - In order for a case (that hasn’t been brought directly to the HRO) to actually make it to the HRO, it is completely dependent on the skills of other units e.g. Campus Security, the AMS Judicial Director and RLC’s to recognize human rights elements.
within an issue.
   - On occasion, full-time AMS staff has caught issues that have come to the AMS but which require consultation with the HRO.
   - HRO is not confident that all the cases that should get to them actually do get to them.

- Human Rights cases often involve grey, intersecting areas – the actual behaviour that started the violation might not have been related to an HR violation, but one may arise in the course of a situation (e.g., a student using a racial slur towards a stucon as the stucon is following-up with them on an unrelated incident). It may be difficult to identify the best procedure to deal with these cases.
- Within the AMS, there seems to be inconsistency in how some student behaviour is treated – i.e., pub bans that don’t go through AMS. No follow-up and no way to deal with behaviour and pub ban together, therefore sanctions are not always matched properly; Student government does not seem to use precedent in cases from year to year; sometimes viewed as point of pride.
- Concerns with how the stucons are trained in reference to Human Rights.
- Concern about whether or not process that requires persons with human rights concerns to be informed about the central Human Rights process is being followed and whether complaint procedures are sufficiently clear. Do they start with the AMS, or HRO, and where do they find this information?
- There is currently no way to assess the effectiveness of the relationship between the Judicial Affairs Office and the HRO.

**Comments about Residence**
- The HRO believes that students don’t take the residence judicial system seriously.
- Living in Residence is a privilege that comes with responsibilities.
- High rates of repeat offenders
- Inconsistent reporting from RLC’s and Residence
- Training for RLC’s? Is it adequate?
- There is some indication that cases that should make their way to HRO (even through just an initial consultation with HRO staff) don’t make it there from Residence.
- HRO staff believe they are often brought into cases too late when the issue has escalated, and they should be consulted on these cases sooner.

- Large gap around “personal harassment” (harassment not based on a human rights code ground) and bullying.
  - The HRO is currently dealing with 4 cases on this topic, and there is no policy (in Student Code of Conduct, or Harassment and Discrimination Policy) that allows a channel or process to be followed to deal with these cases.
  - HRO staff believe this is a growing area of concern.

**What changes would you recommend?**

**Possibilities to explore:**
- One permanent staff person who sees and directs cases (more consistent)
- A continuing AMS “case manager”, contacted when cases come in, offering procedural guidance, contacted prior to final resolution
- Greater training for everyone who intersects with the system about what kinds of things are Human Rights violations
- More continuity with the Residence judicial system and the University system
- More comprehensive institutional case reporting system
APPENDIX II: STAKEHOLDER FEEDBACK continued

Non-Academic Student Conduct Review

Comments from Diane Kelly – February 14, 2012 at the NAD meeting

- It is the university which bears the legal responsibility for ensuring that students are safe on campus. It does so by identifying and taking steps to minimize risk. Risk minimization in the area of alcohol has not been effective in part because there is no central focus and corresponding responsibility.
- Centralized focus on risky student behaviour is a necessary step to discharge university responsibility.
- There is still a role for student involvement in decision making (e.g., policy development, discipline process). This gives credibility to the system.
- The university has an obligation to follow the Coroner’s report.
- Coroner’s report emphasizes that the university must take effective steps to effectively address the issue of the use and abuse of alcohol by our students – failure to do so would expose us to criticism from the Coroner and increased liability. The university has been warned and its failure to act would be a clear indication that it has failed to meet the expected standard of care owed to its students.
- The current information management system is ineffective.
- There needs to be a central place to record and access the information to have a clear understanding of what alcohol issues exist and what we’re doing about them.
- The university owes a duty of care to its students. The duty of care owed to first year students in residence students – like that of a parent of a large family. The duty of care is not as high for students living off campus.
- The university also has obligations under the Occupier’s Liability Act – duty to ensure the environment is safe. If you know there’s a hazard, you have to remove it, or minimize it.
**APPENDIX II: STAKEHOLDER FEEDBACK continued**

**Health, Counselling & Disability Services**  
*(Mike Condra)*

<table>
<thead>
<tr>
<th>Explain model/process used for handling student conduct.</th>
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</thead>
<tbody>
<tr>
<td>• My knowledge of this is not comprehensive, but as I understand it, in the current system a complaint about a student's (non-academic) behaviour is sent to an office of the AMS (Commissioner of Internal Affairs) and then on to the Office of Judicial Affairs. It then proceeds on to the Judicial Committee (an open or closed hearing, depending on whether an agreed-upon settlement had been reached at an earlier stage)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Is the model effective?</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Not very effective; I'd rate it about '3&quot;</td>
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</table>

<table>
<thead>
<tr>
<th>Have there been concerns/challenges/gaps with the model?</th>
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</thead>
<tbody>
<tr>
<td>• My main concerns have been with the lack of transparency and the slowness. It seems to take a very long time for cases of concern to be heard and responded to. I am privy to almost no information about outcomes. This leaves the impression that cases are not followed up on which may or may not be the case.</td>
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</tbody>
</table>

<table>
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<tr>
<th>What changes would you recommend?</th>
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</thead>
<tbody>
<tr>
<td>1. I think the model (i.e. a student-controlled discipline system) is simply not working. More responsibility for the non-academic discipline needs to be taken on by the university. Among other things, the university needs to be seen as taking more of this responsibility and to be responding much more quickly, more transparently and more consistently with behaviours of concern. This is particularly the case with serious and dangerous breaches of the Code of Conduct.</td>
</tr>
<tr>
<td>2. The process needs to involve students, consistent with past practices. Students with an interest in this area will be able to learn a great deal from the work of a new system, but ought not to have the final say on what the outcome is to be.</td>
</tr>
</tbody>
</table>
APPENDIX III: LITERATURE REVIEW


- “Only in the past 25 years has student discipline emerged as a distinct functional area within student affairs” (p.310).
- “In 1988, the Association for Student Judicial Affairs (ASJA) was founded to facilitate the integration of student development concepts with principles of student conduct practice in post-secondary education and to promote, encourage, and support student development professionals responsible for judicial affairs” (p.310).
- “The Association for Student Judicial Affairs established three principles for the administration of student conduct programs:
  - The development and enforcement of standards of conduct for students is an educational endeavor which fosters students’ personal and social development; students must assume a significant role in developing and enforcing such regulations in order that they might be better prepared for the responsibilities of citizenship.
  - Standards of conduct form the basis for behavioral expectations in the academic community; the enforcement of such standards must protect the rights, health and safety of members of that community in order that they may pursue their educational goals without undue interference.
  - Integrity, wisdom and empathy are among the characteristics most important to the administration of student conduct standards; officials who have such responsibilities must exercise them impartially and fairly.” (p.310).
- “The primary role of student conduct staff members is that of educator” (p.311).
- Student conduct programs must:
  - “incorporate student learning and student development in its mission” (p.312).
  - “enhance overall educational experiences” (p.312).
  - “develop, record, disseminate implement and regularly review its mission and goals” (p.312).
  - “identify relevant and desirable student learning and development outcomes and provide programs that encourage the achievement of those outcomes” (p.312).
  - “must provide evidence of its impact on the achievement of student learning and development outcomes” (p.312).
- Student conduct programs “must be (a) intentional, (b) coherent, (c) based on theories and knowledge of learning and human development, (d) reflective of developmental and demographic profiles of the student population, (d) responsive to needs of individuals, special populations, and communities” (p.314).
- “A written statement describing the authority, philosophy, jurisdiction, and procedures of the student conduct programs must be developed and disseminated to all members of the campus community” (p.314).
- “Institutional disciplinary action against individual students or recognized student organizations must be administered in the context of a coordinated set of regulations and processes in order to ensure fair and reasonable outcomes of the equitable treatment of students and groups” (p.314).
• “Sanctions imposed as a result of institutional disciplinary action must be educationally and developmentally appropriate” (p.314).

• Student Conduct Programs “must follow up on cases, including enforcement of sanctions, assessing the developmental processes that have been affected, and ensuring that students are directed to appropriate services for assistance” (p.314).

• “In addition to a hearing officer, SCP [Student Conduct Programs] must include a hearing or appellate board composed of representatives of the campus community that is responsible for carrying out student conduct functions delegated by the administrator” (p.315).

• “Student conduct board members should participate on campus government committees associated with student conduct, except when a conflict of interest will result. Student conduct board members may also be involved in the outreach efforts of the SCP [Student Conduct Program]” (p.315).

• “Effective and ethical leadership is essential to the success of all organizations. Institutions must appoint, position, and empower Student Conduct Program (SCP) leaders within the administrative structure to accomplish stated missions. SCP leaders at various levels must be selected on the basis of formal education and training, relevant work experience, personal skills and competencies, relevant professional credentials, as well as potential for promoting learning and development in students, applying effective practices to educational processes, and enhancing institutional effectiveness. Institutions must determine expectations of accountability for SCP leaders and fairly assess their performance” (p.316).

• “SCP [Student Conduct Program] leaders must promote campus environments that result in multiple opportunities for student learning and development” (p.316).

• “SCP [Student Conduct Program] leaders must continuously improve programs and services in response to changing needs of students and other constituents, and evolving institutional priorities” (p.316).

• “Evidence of effective management must include use of comprehensive and accurate information for decisions, clear sources of channels of authority, effective communication practices, decision-making and conflict resolution procedures, responsiveness to changing conditions, accountability and evaluation systems, and recognition and reward processes. Programs and services must provide channels within the organization for regular review of administrative policies and procedures” (p.316).

• “Student Conduct Programs (SCP) must be staffed adequately by individuals qualified to accomplish its mission and goals. Within established guidelines of the institution, SCP must establish procedures for staff selection, training and evaluation; set expectations for supervision, and provide appropriate professional development opportunities. SCP must strive to improve professional competence and skills of personnel it employs” (p.316).

• “SCP [Student Conduct Program] professional staff must hold an earned graduate degree in a field relevant to the position they hold and must possess an appropriate combination of educational credentials and related work experience” (p. 316).

• “Student employees and volunteers must be carefully selected, trained, supervised, and evaluated. They must be trained on how and when to refer those in need of assistance to qualified staff members and have access to a supervisor for assistance in making these judgements. Student employees and volunteers must provide clear and precise job
descriptions, pre-service training based on assessed needs, and continuing staff development” (p. 316).

- “A qualified member of the campus community must be designated as the person responsible for student conduct programs. The designee should have an educational background in the behavioral sciences (e.g., college student affairs, psychology, sociology, student development including moral and ethical development, higher educational administration, counseling, law, criminology, or criminal justice)” (p.317).

- “The designee and any other professional staff member in student conduct programs should possess (a) a clear understanding of the legal requirements for substantive and procedural due process; (b) legal knowledge sufficient to confer with attorneys involved in student disciplinary proceedings and other aspects of the student conduct services system; (c) a general interest in and commitment to the welfare and development of students who participate on boards or who are involved in cases; (d) demonstrated skills in working with decision making processes and conflict resolution; (e) teaching and consulting skills appropriate for the education, advising, and coordination of hearing bodies; (f) the ability to communicate and interact with students regardless of race, sex, disability, sexual orientation, and other personal characteristics; (g) understanding of the requirements relative to confidentiality and security of student conduct programs files; (h) the ability to create an atmosphere where students feel free to ask questions and obtain assistance” (p.317).

- “SCP [Student Conduct Programs] must have access to facilities of sufficient size and arrangement to ensure privacy of records, meetings and interviews” (p.317).

- “SCP [Student Conduct Programs] staff members must use reasonable and informed practices to limit the liability exposure of the institution, its officers, employees, and agents. Staff members must be informed about institutional policies regarding personal liability and related insurance coverage options. The institution must provide access to legal advice for current legal literature and resources for SCP staff members as needed to carry out assigned responsibilities” (p.318).

- “Hours of operation and delivery of and access to programs and services must be responsive to the needs of all students and other constituents” (p.318).

- “All persons involved in the delivery of Student Conduct Programs (SCP) must adhere to the highest principles of ethical behavior. SCP must develop or adopt and implement appropriate statements of ethical practice” (p.318).

- “SCP staff members must perform their duties within the limits of their training, expertise, and competence. When these limits are exceeded, individuals in need of further assistance must be referred to persons possessing appropriate qualifications” (p. 319).

- “Student Conduct Programs (SCP) must conduct regular assessment and evaluations. Programs and services must employ effective qualitative and quantitative methodologies as appropriate, to determine whether and to what degree the stated mission, goals, and student learning and development outcomes are being met. The process must employ sufficient and sound assessment measure to ensure comprehensiveness. Data collected must include responses from students and other affected constituencies” (p. 319).

- General agreement in judicial affairs literature that the purpose of campus conduct systems:
  1. Promote and protect academic community
  2. Promote citizenship education and moral and ethical development for those participating in the judicial process.
     *the later purpose is the most important and most challenging
- Most important learning outcomes for those violators participating on the system:
  o “accepting responsibility for one’s actions,
  o understanding the effect of one’s actions on others,
  o making constructive changes in behaviour, and
  o understanding the seriousness of one’s behavior.”
- To achieve these outcomes, the two most important practices have been identified by Administrators:
  o “confronting the student with the consequences of his or her behavior, and
  o having meaningful dialogue between the judicial officer or committee and the student.”
- Students participating in the judicial system identified the most important practices based on their experiences:
  o “responding for their conduct within a reasonable amount of time, and
  o an opportunity to sort out and discuss the situation.”
- Students report learning the following from their discipline experience:
  o Consideration of consequences; Empathy; Familiarity with judicial procedures
- Literature suggests that modifying or preventing undesirable behaviour is an important outcome for campus conduct programs.
- Conduct officers should not only develop sanctions that address behaviour, but be skilled enough to address other developmental or behavioural issues surrounding the behaviour.


- Highlighted is the importance of democratic participation, stewardship, and inclusion in the conduct process that uses restorative justice. Additionally, the significance of discourse to ensure the victims’ needs are met, and the offender is held responsible for their actions.
- In order to be effective, it is critical that a conduct system is accessible to students. They need to know the policies and be communicated with in a clear and concise way, using minimal amounts of legal jargon.
- In a restorative justice model, it is important to reflect on the overarching mission of the university, rather than modern judicial affairs practices and procedures.
- Traditional judicial affairs models are generally not successful at reintegrating student (offenders) into the community. Restorative justice models have an emphasis on the successful reintegration of these students into their community.

- Responses based on 541 schools
- “Over 96% of the judicial officers reported having at least a Master’s degree” (p.168).
- “The study clearly indicates that the judicial officers surveyed believe that sanctions and discipline should focus on development. Their recommendations also focused on the educational value of a disciplinary process that furthers educational earning by providing opportunities for behavioral change and moral growth and development” (p. 178).
- Recommendations continued…
  - ”the most common such them calling for a more timely, less complicated, streamlined judicial process” (p. 180).
  - ”They consistently cited the need for formal training for judicial affairs officers as well as updates, seminars and required attendance at conferences” (p.181).
  - “need for further training and development so that they could manage their judicial responsibilities more efficiently and effectively” (p. 181).


- Healy and Liddell (1998) have a model for a “developmental conversation” which is a useful tool for administrators to use when having conversations with students in the conduct system.


- “Students identified their relationship with the disciplinary officer or board as one of the strongest aspects of the disciplinary experience” (p.112).
- Students identified the most successful outcomes of their judicial experience:
  - More likely to think through their actions before they act
  - More likely to accept responsibility for their actions
  - More likely to follow policies in the future
APPENDIX IV: SAMPLE CLASSIFICATION OF OFFENCES  
(from McMaster University)

Minor Offences include, but are not limited to:
(a) making excessive noise;
(b) engaging in any kind of communication towards another individual or group which may be considered to be intimidating, and/or degrading;
(c) smoking in non-designated areas according to the University Smoking Policy;
(d) abusing or hindering the Student Code of Conduct process;
(e) engaging in disruptive behaviour. Disruptive behaviour is behaviour in class or out of class which, for any reason disrupts the class work of others or invades the rights of others;
(f) failing to comply. Possible infractions include furnishing false information to a University official or failing to take reasonable steps to prevent a problem situation from occurring or if it occurs, to prevent it from escalating to a more serious level;
(g) any unauthorized entry or presence in a University building;
(h) assisting with or conspiring in any prohibited conduct as defined in this Code; and,
(i) failing to complete a sanction for a minor offence.

Major Offences include, but are not limited to:
(a) contravening the Liquor Licence Act (LLA) and/or the McMaster Alcohol Policy as it relates to the consumption by and/or service to individuals under 19 years of age. Possible infractions include, but are not limited to, possessing and/or consuming alcohol in a public place, distributing alcoholic beverages to individuals who are under 19 years of age, and any unsafe practice related to alcohol use (determined by Student Affairs);
(b) possessing, using, selling, or being under the influence of illegal drugs and/or the use of medication for purposes other than those for which they were prescribed;
(c) possessing, storing or using and/or misusing any firearm, weapon hazardous material or explosive substance;
(d) failing to comply. Possible infractions include, but are not limited to, failing to comply with the direction of McMaster Security Services officers or University officials, furnishing false information to a University official, etc.;
(e) fraud. Possible infractions include, but are not limited to, misusing any kind of identification card, credit card, meal card, smart card, password, and/or telephone calling card, furnishing false information;
(f) vandalism. Tampering, defacing or damaging property that is not one's own, including, but not limited to, intellectual property, computer files and programmes, property of the University, and personal property;
(g) stealing, possessing or copying property that is not one's own, including, but not limited to, intellectual property, computer files and programmes, property of the University and personal property;
(h) engaging in disruptive behaviour. Disruptive behaviour is behaviour in class or out of class which involves substantial disorder and/or disrupts the operation of the University;
(i) engaging in physical actions which are threatening, physically abusive and/or compromise the safety and security of an individual and/or group;
(j) engaging in verbal or non-verbal behaviour or communication toward an individual or group which is considered to be intimidating, harassing and/or discriminatory;
(k) 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.;
(l) setting unauthorized fires
APPENDIX V: ADDITIONAL REMARKS FROM AMS AND SGPS

The SGPS submitted the following position:

“The entire SGPS council feels strongly that the independent student systems should be maintained. To eliminate the AMS and SGPS systems would be to act against the wishes of the AMS and the SGPS and would be met with great resistance from students.”

The AMS submitted the following recommendations in a report entitled AMS Response to the Non-Academic Review Committee, which is attached.

1. That the university retain and strongly endorse a peer-based Non-Academic Discipline approach and continue to work with the AMS in a collaborative manner to improve the existing structures and policies. The AMS feels strongly that enhancing what is already in place will be more effective than the university’s current attempts to undermine what exists in order to argue for the establishment of redundant structures under their administration. The AMS feels that this model accompanied with the below recommendations below best preserves the unique feature of the Queen’s system while addressing the concerns of the coroner as well as liability and responsibility concerns of the University for more serious cases. It also ensures central record keeping and a central office to vet cases to the appropriate jurisdiction and as well as track results.

2. That the University develop a central database that is shared between Residence, Athletics and Recreation, Student Affairs, the AMS, and the SGPS.

3. That in cases of shared jurisdiction it is the responsibility of the involved parties (i.e. A&R and residence) to discuss the case before proceeding with sanctioning. The jurisdiction of each case relates to which ‘identity’ the student was under at the time.

4. That the university is automatically listed as the complainant on any cases received by Campus Security

5. That the University amends the Student Code of Conduct to establish mutually agreed upon prohibited behaviours/violations.

6. That the University require students to enter a portion of the Code of Conduct into a ‘Terms of Agreement’ for the university each year upon course registration as per the 2006 Senate Recommendation.

7. That the university develop one comprehensive procedural document to be incorporated into Senate policy that outlines how conduct is addressed at Queen’s.

8. That the Senate Policy/the Code of Conduct specifically address misconduct by student groups and any necessary ‘specialized’ sanctions to be developed by SONAD.

9. That the AMS Judicial Affairs Director shall be responsible for submitting monthly update reports to both AMS Assembly, to whom they are held accountable, and to the Provost’s Office in addition to their annual Senate/AGM report.
APPENDIX VI: NON-ACADEMIC STUDENT CONDUCT IN RESIDENCES

Report and Recommendations submitted to Review Committee by
Arig Girgrah, Assistant Dean of Student Affairs (Residence Life)
March 21, 2012

Background

In the fall of 2010, the accidental deaths of two students at Queen’s sparked a Coroner’s investigation. As a result of that investigation, the coroner recommended that the university review and make changes to the Queen’s non-academic discipline system as well as Queen’s alcohol policies and alcohol management on campus. The Coroner’s specific recommendations were that Queen’s should:

- Undertake an accelerated review of the management of, possession and use of alcohol in residences, the feasibility of obtaining student consent for the inspection of residence rooms for alcohol, security resources, and the peer student judicial system;
- Remove health and safety issues, including alcohol, from the jurisdiction of the peer/student judiciary;
- Review the Campus Alcohol Policy; and,
- Develop and support educational programs directed at changing the culture of drinking on campus

Process

As part of a larger university review of non-academic student conduct, Residence Life initiated a parallel review of the discipline system in Residences. The recommendations in this report result from:

- an analysis of areas of strength and gaps in the current system as reported by Residence Life professionals as well as student employees, student volunteers and members of the Residence student government involved in the system;
- A review of relevant literature regarding best practices in the emerging profession of judicial affairs in higher education;
- Consultation with: legal counsel; campus security; dispute resolution office; human rights office; former faculty member and Dean of Students Affairs.
- Several discussions between the Residence Life management team and executive members of outgoing and incoming Residence Council members (student government).

Recommendations

The Residence Life Management recommends changes to the current system such that Residence Life would:
1. oversee and administer the entire Non-academic Student Conduct system;

2. employ student Residence (Discipline) Facilitators and manage their recruitment, selection, training, and performance;

3. implement an appeal-based system for all Level 1 incidents;

4. eliminate the Peer Judicial Board, rename the Appeal Committee to the Residence Conduct Appeal Board, and reconstitute its peer membership; and,

5. propose a heightened profile for Residence Council representatives tasked with acting in the role of “ombudsperson” and advocate for improved student communication, outreach and general policy surrounding student conduct.

Details of the rationale for the recommendations are summarized below, with comments reflecting any areas of concern raised by Residence Council. Residence Life is committed to working with Residence Council to mitigate and resolve concerns raised and we feel adopting the new oversight model does not preclude resolving these issues.

**Context for “Health and Safety Issues, Including Alcohol” in Residences**

To provide a context to behavioural issues that relate to health and safety, and particularly alcohol, the following are some statistics\(^1\). Over the years, there has been a steady rise in the number of Level 2 and Level 3 offences as a proportion of the student population in Residences, which is also increasing (Table 1). This suggests an increased level of seriousness associated with student misconduct in Residences, with greater offences that relate to health and safety. In 2011, there appears to be a greater proportion of Level 1 offences and this is directly related to stricter rules and enforcement around Underage Drinking, including no-alcohol ban during Orientation Week.

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<tr>
<th></th>
<th>Fall Semester (Sep. – Dec.)</th>
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<td>2007</td>
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<td><strong>L1</strong></td>
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<td>86%</td>
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<td>76%</td>
<td>67%</td>
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<td><strong>L2</strong></td>
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<td>13%</td>
<td>16%</td>
<td>22%</td>
<td>30%</td>
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<td><strong>L3</strong></td>
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<td><strong>Entire Academic Year (Sep. – Apr)</strong></td>
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<td>84%</td>
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\(^1\) From annual Residence Judicial Reports
In the 2009 – 10 academic year, 36% of cases documents (with multiple incidents and students associated) directly involved health and safety related offences, including alcohol and drug (mis)use. An additional 32% of cases documented that year involved alcohol. In other words, at least 68% of documented cases related to health and safety, including alcohol misuse.

In the 2010 – 11 academic year, there were 1136 incidents (66% of total incidents in Residences that year) involving misconduct classified as a Level 1 violation of the Residence Rules & Regulations (ResRules), 568 (32%) were Level 2 violations and 74 (4%) were Level 3. Of the Level 1 incidents, 281 were related to alcohol and 20 were classified as safety and security. Of the Level 2 cases, 233 were related to alcohol, 12 related to fire hazards and 22 illegal substances. In other words, 39% of Level 1 and 2 incidents were directly related to alcohol, health and safety. Following trends of previous years, there are arguably many more offences indirectly related to health and safety. In previous years, we have seen alcohol involvement across the majority of offences, including inappropriate behaviour, damages, guest policy violation, non-cooperation, noise, and others. As well, many of the Level 2 inappropriate behaviours documented are residents engaging in misconduct while participating in mass alcohol consumption violations. Furthermore, the proportion of underage students living in Residences has significantly increased in the last decade (Table 2). In 2011, over 90% of first year residents were younger than 19 years of age, the legal drinking age in Ontario.

<table>
<thead>
<tr>
<th>Year</th>
<th>Percentage</th>
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<tbody>
<tr>
<td>2000 and 2001</td>
<td>48%</td>
</tr>
<tr>
<td>2002</td>
<td>54%</td>
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<tr>
<td>2003</td>
<td>72%</td>
</tr>
<tr>
<td>2004</td>
<td>86%</td>
</tr>
<tr>
<td>2005</td>
<td>91%</td>
</tr>
<tr>
<td>2008 and 2009</td>
<td>92%</td>
</tr>
<tr>
<td>2010 and 2011</td>
<td>93%</td>
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Concerns with the Current System

An analysis of the current non-academic student misconduct system in Residences has identified some real strengths and successes, particularly in light of recent improvements in: (a) the classification of violations in the Residence Rules & Regulation; (b) the range and application of sanctions; and, (c) the processing and administration of cases by the Residence Life Judicial Office. This analysis has also uncovered some significant areas of weakness in efficiency, consistency and accountability as well as threats that may lead to inefficacy, inadequate risk mitigation and liability (Appendix II). It is the opinion of Residence Life, that these gaps threaten to erode the efficacy of the overall system and potentially undermine our capacity for early identification and intervention in incidents that may lead to serious injury or harm to individuals or the community, particularly in view of the need to attend to increasing alcohol misuse and mental health distress among the first year student population.
To remove health and safety issues, including alcohol from the jurisdiction of students, we have two options: 1) to develop a parallel system whereby the university oversees and manages all incidents related to health and safety, leaving things like noise, failure to cooperate, guest policies, some inappropriate behaviour in the jurisdiction of students; or 2) to develop a new integrated system with university (Residence Life) oversight and management responsibilities, heavily engaging and involving students in the entire process from documentation, to rendering a decision and sanctioning, through to hearing appeals.

**Proposed New Model for Non-Academic Student Misconduct in Residences**

Guided by a proposed set of best practice philosophies listed below, and supported by research and literature in the areas of judicial affairs in higher education, Residence Life strongly believes that an integrated system will best achieve a balance of appropriate university accountability and fiduciary responsibility as well as student-involvement in non-academic student conduct policies. It is important to note that every other institutional counterpart employs a Residence judicial model that is entirely overseen and managed by the University, through Residence Life professional staff, with a significant level of involvement of students throughout the system. Figure 1 depicts a model that imbeds authority over student conduct in Residence firmly with the University, through the Residence Life Department, thereby addressing head-on the issues and challenges identified in the current system as well as the recommendation made by the Coroner to remove responsibility for misconduct relating to alcohol, health and wellness from the jurisdiction of students. This model also proposes greater efficiency and efficacy through implementation of all recommendations listed in this report.

**Proposed Best Practices and Guiding Principles for Residences**

- University oversight and management to ensure appropriate qualification of judicial affairs professionals and accountability to mitigate student risk and university liability
- Standardized and detailed categories of misconduct with consideration given to complicating health and safety factors including alcohol misuse and mental illness
- Unambiguous processes for involvement of various university departments with jurisdiction or involvement in non-academic student conduct depending on nature of misconduct and the individuals/communities potentially impacted
- Clear, consistent and coordinated policies and protocols to deal with both individual and group misconduct by appropriate bodies in a timely fashion
- A range of remedial, educational and progressive sanctions consistently applied across categories of misconduct and, where possible, following principles of natural and restorative justice
- A Code of Conduct as well as Rules and Regulations that include a statement of values, principles and expectations regarding non-academic student conduct, a detailed account of what constitutes student non-academic misconduct and information about possible consequences for violating the Code
- Transparent, fair and ethical processes for dealing with allegations of misconduct, findings of responsibility and appeals lodged by respondents
- Student-involvement in hearing cases and assigning sanctions
- Centralized and user-friendly data base to log, edit, search, follow-up, track, evaluate and report on misconduct cases
The outgoing and incoming Presidents of the Main Campus Residence Council and Jean Royce Hall Council – the bodies representing student government in Residences – do not support the direction that Residence Life would like to take the Residence Conduct system, nor do they endorse the model proposed by Residence Life in Figure 1. Instead, they propose to: maintain student jurisdiction over cases involving level 1 and level 2 offences and violations of the Residence Rules; maintain a level 1 process that invokes an investigation in all instances; maintain a consultative relationship between Residence Council and Residence Life, without formalized authority of the University in decision making and sanctioning of level 1 and 2 cases.

On a final note, while the Residence Councils endorse the current model (figure 2) of non-academic discipline in Residences, they do acknowledge critiques and challenges with the model and would like adequate time to address it. However, due to the nature of being students and holding other residence jobs, they feel the time given so far has not been enough to adequately address the critiques and concerns of the current system. The Residence Councils requested time during the summer to come up with a better model to address the critiques of Residence Life and concerns of the current model before any decision be made to change the residence judicial system.
Figure 1: New Residence Student Conduct Protocol – University Oversight
(Endorsed by the Queen’s University Residence Life Department)
Figure 2: Current Residence Student Conduct Protocol – with Enhancements
(Endorsed by the Presidents of the Main Campus and Jean Royce Hall Residence Council)
## Rationale for Recommendations by Residence Life

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<th>Strategy and Change Proposed</th>
<th>Issue Addressed and Associated Benefits</th>
<th>Response to Student Council Concerns</th>
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<tr>
<td>1. Formally move delegation of responsibility over level 1 and level 2 incidents of non-academic misconduct in Residences from the jurisdiction of the Residence Council (student government) to Residence Life (the University).</td>
<td>Firmly imbed university oversight of the entire Residence student conduct system; improve consistency of implementation of judicial system; enhance capacity for early identification and intervention where “red flags” emerge. New policy formalizes University authority and reflects current practice of Residence Facilitators rendering decisions about responsibility and sanctioning in consultation with Residence Life Coordinators – a practice that has evolved in recognition of the complexity of the system and the need for student coaching in the consistent application of the judicial system.</td>
<td>Residence Council expresses concern with real or perceived lack of fairness in the system with formal Residence Life oversight. Residence Life pointed to the fact that this has been the agreed practice for Level 1 and 2 cases in the past two years, that the Residence Life Judicial Advisor plays a significant role in guiding appropriate and consistent decision-making and sanctioning of Level 1 and 2 cases; and, that the Level 3 process in entirely overseen and administered by Residence Management. Further, we are compelled by the Coroner’s recommendations that the University must be seen to have oversight of decision making in non-academic student conduct, particularly in areas related to health and safety as well as alcohol.</td>
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| 2. Residence Life to become **employer** of Residence Facilitators, reduce number of positions from *26 to 16*, and compensate student employees with **full room & board**. *Note: A reduction in the number of Residence Facilitators from 26 to 16 is made possible by moving to an appeal-based system for Level 1 cases (see #3).* | Contribute to a more seamless, efficient and accountable student conduct system by:  
   a) bringing students involved in processing misconduct cases under one set of organizational philosophies and goals;  
   b) clarifying Residence Facilitator job expectations, lines of communication and accountability;  
   c) delivering consistent recruitment, selection, training and performance management year-over-year; and,  
   d) providing commensurate compensation | Residence Council strongly oppose a move to have Residence Life oversee the management of Residence Facilitators. They feel that a “third party” student conduct system is most justifiable.  
Council also raises a concern that a shift in authority to Residence Life will result in the possibility that student staff may feel disempowered or unable to voice any disagreement with Residence Life staff members who will have ultimate decision-making authority.  
Residence Life Management highlights that the organization has always operated within a student-centred philosophy, valuing student leadership, involvement and collaboration. This approach has been successful with Dons and so expected to be equally successful with Residence Facilitators. Furthermore, the Residence non-academic student conduct system does not currently operate as a completely third-party system as Level 3 violations are under the purview of the Management. |
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<td>3. Move to an <strong>appeal-based</strong> system for all Level 1 cases where Dons document incidents and Residence Facilitator immediately renders a decision/sanction</td>
<td>Expedites processing of minor violations which represent the vast majority of incidents, especially cases that are straightforward with little to no additional information needed to render a decision and sanction</td>
<td>Council members register concern that this represents a lost opportunity to have an educational and remedial conversation with students when they come into contact with the judicial system early on as well as fear that students may forego their right to appeal. Council members feel that conversations with students are critical and that the time they take is warranted. Residence Life Management highlights: (a) currently, educational and remedial conversations by Residence Facilitators are not common with Level 1 offences; (b) the new system does not preclude a conversation with the student should the Residence Facilitator deem it important – there will be times when a Residence Facilitator will use their judgement to engage in a conversation; (c) follow-up conversations can also be initiated by Dons and/or Residence Facilitators; and, (d) we must enhance our communication of the judicial process to students and highlight their rights to appeal</td>
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<td>4. Eliminate Peer Judicial Board. Rename the Appeals Committee to Residence Conduct Appeal Board and reconstitute the new appeal board while maintaining an all-student membership.</td>
<td>The PJB serves a redundant function as hearings are increasingly, if not solely, utilized for ratification of Residence Facilitator decisions, which in and of itself may undermine a sense of fairness and trust in the process. Removing the PJB is an important step toward efficiency and the freeing up of valuable resources and time. A newly constituted peer Residence Conduct Appeal Board recognized the critical need for an appropriate appeal body and actively promotes student participation and involvement in hearing appeals and rendering decision and sanctions for level 1 and 2 incidents.</td>
<td>Residence Council agree that the current Peer Judicial Board and Appeals Committee are not functioning efficiently or effectively. They endorse the creation of a new Peer Conduct Board that is constituted entirely by students and suggest that the MCRC VP Discipline (and perhaps the JRHC counterpart) would play an important role on the Board if authority over the system were to shift to Residence Life. They would also like input into the composition of the Board. Residence Management agrees that Council Executive members charged with responsibility for advocacy, advising and outreach would have an important role to play as members of the Peer Conduct Board.</td>
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<td>5. Heighten the profile of the Main Campus Residence Council VP (Discipline) and equivalent counterpart with the Jean Royce Hall Council and shift their focus away from Human Resource management of Residence Facilitators to policy development, student advocacy, advising, communication and outreach relating to student conduct and the judicial system</td>
<td>Augment outreach efforts and enhance communication to students by student Council about rights and responsibility related to living in community and the Residence Rules and Regulations; work closely with the Residence Life Judicial Advisor and the Discipline Working Group to recommend any policy or advocacy issues.</td>
<td>Residence Life reports that Council executive members with discipline in their portfolios have not, over the last several years, been able to deliver consistent, timely, effective and accountable human resource management of the pool of Residence Facilitators, year-over-years. There have been chronic challenges with the processes of recruitment, selection, training and performance management of Residence Facilitators and Residence Life has had to step in and at times take over processes where gaps existed. Council members acknowledge the inconsistencies and feel they can improve their human resource policies and practices to remedy the ongoing challenges. That having been said, if Residence Life were to employ Residence Facilitators in a new model with Residence Life authority, Council recommends (and Residence Life agrees) that the MCRC VP Discipline and equivalent counterpart with the JRHC would have an important role to play as members of the Peer Conduct Board</td>
</tr>
</tbody>
</table>
REFERENCES

Institutional Web Links Reviewed

**McMaster**

Code of Conduct  
Condensed with flow chart  
[http://studentconduct.mcmaster.ca/pdf/SCC.pdf](http://studentconduct.mcmaster.ca/pdf/SCC.pdf)  
FAQ  
[http://studentconduct.mcmaster.ca/pdf/FAQ.pdf](http://studentconduct.mcmaster.ca/pdf/FAQ.pdf)  
Index of Codes  
Alcohol Policy  
Residence Alcohol Policy  
Residence Code of Conduct  
Welcome Week  

**Guelph**

Judicial Process Summary  
[http://www.uoguelph.ca/studentaffairs/home/documents/judicial_committee_student_informatio n_000.pdf](http://www.uoguelph.ca/studentaffairs/home/documents/judicial_committee_student_informatio n_000.pdf)  
Judicial Committee Terms of Reference  
[http://www.uoguelph.ca/studentaffairs/home/documents/judicial_committee_terms_of_ref_approved_june04_000.pdf](http://www.uoguelph.ca/studentaffairs/home/documents/judicial_committee_terms_of_ref_approved_june04_000.pdf)

**Carleton**

Students Rights and Responsibilities Policy  
Appendix A: Co-op Participation Agreement  
Appendix B: Peer Conduct Board Operating Procedures  
Appendix C: Students at Risk Protocol  
Appendix D: Carleton University Resolution Board: Composition and Procedures

Decision Process

What to do if accused

Peer Conduct Board

Application for Peer Conduct Board

Athlete Code of Conduct

Appeal Process

University of Toronto

Code of Conduct

Discipline, Appeal Board Terms of Reference

Discipline, General Principal’s Regarding Discipline in University Residences

Chestnut Residence Code of Conduct

Innis Residence
http://www.innisresidence.utoronto.ca/current-residents/rights-responsibilities

New College Rules and Regulations, Rights and Responsibilities
http://www.newcollege.utoronto.ca/residence/reslife/rules.htm

University College, University of Toronto Residence Handbook

Victoria University in the University of Toronto Residence Agreement
http://www.vic.utoronto.ca/Assets/VicCollege+Digital+Assets/Dean/Residence+Agreement.pdf

Western

Code of Student Conduct
http://www.uwo.ca/univsec/board/code.pdf
University of Western Ontario Residence Handbook 2011

Lakehead University

Code of Student Behaviour and Disciplinary Procedures
http://policies.lakeheadu.ca/policy.php?pid=60
Residence – Defining Community Standards
http://residence.lakeheadu.ca/defining-community-standards/
Residence – Application of Community Standards

St. FX

Code of Conduct
http://www.mystfx.ca/pdfs/community-code.pdf
Charter of Student Rights and Responsibilities
http://www.mystfx.ca/pdfs/community-code.pdf
Residence Community Standards
http://sites.stfx.ca/residence_services/community_standards/

Ryerson

Code of Non-Academic Conduct
http://www.ryerson.ca/senate/policies/pol61.pdf
Residence Community Standards
http://www.ryerson.ca/content/dam/studentservices/housing/pdf/Contracts%20%26%20Community%20Standards/11-12%20Residence%20Community%20Standards.pdf

Penn State

Code of Conduct
http://studentaffairs.psu.edu/conduct/codeofconduct/
Alcohol Policy
http://studentaffairs.psu.edu/conduct/policies/alcohol.shtml
Off-Campus Misconduct Policy
http://studentaffairs.psu.edu/conduct/pdf/Off-Campus_Misconduct_Policy.PDF
Student Discipline Records
http://studentaffairs.psu.edu/conduct/pdf/DisciplineRecords.PDF
Outreach and Educational Initiatives
http://studentaffairs.psu.edu/conduct/outreach/#O
Procedural Guidelines for the University Discipline Process
http://studentaffairs.psu.edu/conduct/pdf/Procedures_000.pdf
Application for University Board Student Representative
Incident Report Form
http://studentaffairs.psu.edu/conduct/pdf/INCIDENTREPORTFORM.pdf
Victim Support Resources
http://studentaffairs.psu.edu/womenscenter/directory/
Housing Policy
http://www.hfs.psu.edu/housing/firstyear/policies.shtml
Residence Life Community Standards Procedures
http://www.sa.psu.edu/rl/pdf/CS_pamphlet.pdf
Mission of Community Standards Program
http://www.sa.psu.edu/rl/pdf/CSmission.pdf
Overview of Community Standards Program
http://www.sa.psu.edu/rl/pdf/CSoverview.pdf
Community Standards Sanctions
http://www.sa.psu.edu/rl/pdf/sanctions.pdf
FAQ – Students
http://www.sa.psu.edu/rl/studentfaq/default.shtml
FAQ – Families
http://www.sa.psu.edu/rl/parentfaq/default.shtml

Waterloo

Student Discipline
http://secretariat.uwaterloo.ca/Policies/Policy71.pdf
Penalty Guidelines
http://secretariat.uwaterloo.ca/guidelines/penaltyguidelines.htm
Alcohol Use and Education
Student Appeals
http://www.secretariat.uwaterloo.ca/Policies/Policy72.pdf
Student Petitions and Grievances
http://www.secretariat.uwaterloo.ca/Policies/Policy70.pdf
Residence Rules and Regulations
http://www.housing.uwaterloo.ca/Pdf_files/policies/termsandconditions_undergrad1112.pdf
Residence Appeal
http://www.housing.uwaterloo.ca/fees/appeal-procedure.html

University of Victoria

Judicial Affairs
http://studentaffairs.uvic.ca/judicial/index.php
Information for Students
http://studentaffairs.uvic.ca/judicial/students.php#section0-0
Residence Community Standards
Eviction Appeal Form
Dalhousie

Student Code of Conduct
Residence Community Standards

University of Cincinnati

Student Code of Conduct
http://www.uc.edu/conduct/Code_of_Conduct.html
FAQ
http://www.uc.edu/conduct/FAQ.html
Incident Reporting Form
http://www.uc.edu/content/dam/uc/conduct/docs/incident_report.pdf
Resource Materials
http://www.uc.edu/conduct/Resources.html
Residence Policies and Procedures
http://www.uc.edu/resed/policies/_jcr_content/MainContent/download/file.res/RH%20handout.10a.pdf
Residence Hall Handbook
http://www.uc.edu/resed/policies/_jcr_content/MainContent/download_1/file.res/Home%20pages_handbk%201011.pdf
Community Commission
http://www.uc.edu/resed/involvement/commissions.html
Community Commission Applications
http://www.uc.edu/resed/involvement/commissions/_jcr_content/MainContent/download/file.res/Community%20Commission%20Application%202011.pdf

Brock University

Code of Conduct
http://www.brocku.ca/student-discipline/code-of-conduct
Information on the Discipline Process
http://www.brocku.ca/student-discipline/information-on-the-disciplinary
Real Students, Real Stories
http://www.brocku.ca/student-discipline/real-students-real-stories/realstudents-realstories-submit
Student-at-Risk Policy
http://www.brocku.ca/students-at-risk-faqs
Residence Community Guiding Principals
http://www.brocku.ca/residence/residence_life/rcgp
Laurentian

Student Rights and Responsibilities  
http://www.laurentian.ca/NR/rdonlyres/3553F8BD-12A9-4D08-BB3C-F601F924BEA8/0/StudentRightsResponsibilites_April16_98.pdf
Code of Conduct (non-academic)  
Complaint Submission Form  

Trent

Charter of Student Rights and Responsibilities  
http://www.trentu.ca/studentaffairs/campuslife_charter.php
Residence Guide  

Nipissing University

Code of Students Rights and Responsibilities  
http://www.nipissingu.ca/calendar/regulations/student-rights-responsibilities/Pages/default.aspx
Discipline and Appeals  
Residence Handbook  

University of Ottawa

Code of Conduct and Discipline Process  
http://www.sass.uottawa.ca/access/registration/conduct.php
Code of Conduct Media Release  
http://www.media.uottawa.ca/mediaroom/news-details_1458.html
Housing Code of Conduct and Disciplinary Disciplinary Procedures  

Laurier

Code of Conduct  
Flowchart  
http://www.wlu.ca/documents/45340/Exhibit_1_Policy_12.2.pdf
Relevant Administrators
Windsor

Student Code of Conduct
http://web4.uwindsor.ca/units/senate/main.nsf/982f0e5f06b59a285256d6e006c7f8/631cc46c9f90e3c852570070054cf23!OpenDocument

Academic and Non-Academic Misconduct

Student Affairs and Integrity
http://athena.uwindsor.ca/units/senate/main.nsf/947f0bc672983a17852568b60051f690/06e37bd761de3505852578c30069a8f8/$FILE/Bylaw%2031%20-%20Student%20Affairs%20Amended%202008%20-%20RW%20reviewed%20Sept%2028%20-%202011.pdf

Flowchart
http://web4.uwindsor.ca/units/senate/main.nsf/cf50c73c23e058b985256db30060a59e/2fdd2a8f9b65c807852576260051d583/$FILE/Bylaw%2031%20-%20Flowchart.pdf

Forms
http://web4.uwindsor.ca/units/senate/main.nsf/SubCategoryFlyOut/7DCCEC31BB39B32D852576805F8EE5

Judicial Panel Membership

Discipline Appeals Committee

Residence Handbook

York

Code of Rights and Responsibilities
http://www.yorku.ca/oscr/pdfs/CodeofRightsandResponsibilities.pdf

Office of Student Conflict Resolution
http://www.yorku.ca/oscr/index.html

Complaint Form
http://www.yorku.ca/oscr/complaints_form.php

Process
http://www.yorku.ca/oscr/studentconduct.html

Request for Tribunal Hearing Form
http://www.yorku.ca/oscr/pdfs/tribunal_hearing_form.pdf

Appeal Request Form
http://www.yorku.ca/oscr/pdfs/appeal_request_form.pdf
CORONER’S RECOMMENDATIONS

- Queen’s University should undertake an accelerated review of:
  - the management of possession and use of alcohol in residences;
  - the feasibility of obtaining student consent for inspection of residence rooms for alcohol;
  - security resources;
  - the peer/student judicial system

- Queen’s should remove health and safety issues, including alcohol, from the jurisdiction of the peer/student judiciary

- Queen’s University should review its Campus Alcohol Policy based on coordinated and integrated information from all affected departments

- Queen’s University should develop and support educational programs directed at changing the culture of drinking on campus

ACTIONS

An overarching campus-wide Health and Wellness Framework has been developed to ensure a coordinated and comprehensive response to issues that impact student wellbeing, with emphasis on mental health, alcohol and student safety.

1. Alcohol

   a) A pilot policy was implemented in 2011, banning possession and consumption of alcohol in Residences during Orientation Week. Both preliminary anecdotal and empirical evidence indicate signs of effectiveness in reducing excessive alcohol consumption, in harms associated with alcohol consumption and promise towards a cultural shift to responsible and safe choice.
      i. Drop in mass or excessive consumption of alcohol cases from 2010 to 2011
      ii. 41% of respondents to survey indicated policy or somewhat or greatly encouraged safe or responsible choice re alcohol
      iii. 35.8% of respondents said it somewhat or greatly reduced pressure to consume alcohol during orientation

   This policy will continue to be enforced in Fall 2012.

   b) Residence Life staff continue to have and exercise their right to enter a resident’s room in the event of an emergency, where the health, safety or security of residences is involved or when residence or University staff have reasonable grounds to suspect that the rules of Residences or the laws of the land are being violated, including possession of illegal substances, provision of alcohol to underage students, and/or participating in mass/excessive consumption of alcohol.

   c) The approach to documenting alcohol-related violations in residences has been refined to provide greater consistency, clarity and efficacy of discipline and/or peer helping interventions. Greater diligence is applied to documenting alcohol offences, particularly in public spaces. With regards to private spaces, when documenting offences in student rooms, Residence Life staff members now have ready access to an updated list of students who are of drinking age in Residences.

   d) The volume of alcohol any (of-age) student is permitted to possess has been reduced and alcohol
is no longer permitted in floor common rooms.

c) Residence and Student Affairs alcohol-related sanctions have been updated to provide more robust and meaningful educational interventions. The E-CHUG online educational module now accompanies several reflective questions along with the requirement to have a conversation with a Residence Life staff member. Alcohol workshops and referrals to counselling continue to be implemented depending on risk associated with alcohol misuse.

d) Residence-based education includes Dons speaking to residents about risks/harms associated with alcohol misuse and about the Rules and Student Code of Conduct in relation to alcohol. Peer Health Educators also speak to residents about the negative effects of alcohol as well as safe and responsible choices. Health Promotion (awareness, education, harm reduction) takes place during Orientation and throughout the academic year.

e) Orientation Week training and initiatives focused on communicating behavioural expectations of student leaders regarding alcohol, developing skills among student leaders to enable them to better respond to situations involving alcohol and clarifying the consequences of alcohol misuse.

h) The Alcohol Working Group has adopted a framework for a multi-faceted strategy to address alcohol misuse on campus. Best practice research is underway and the new Health Promotion and Health Education Coordinator has drafted a revised campus-wide alcohol policy for review by the Group and then review and approval by senior administration (expected spring 2012). The revised draft is attached to this report.

i) A communication strategy has been developed and followed. Several articles and op-eds have written and interviews granted to maintain the profile of the issue and communicate our progress.

j) Health, Counselling and Disability Services has launched a monthly e-magazine sent to all students that offers an interactive student-friendly forum to communicate health and wellness messaging, including information about alcohol use/misuse.

k) A Bystander Intervention campaign and training is planned for February 2012. The training aims to develop personal intervention skills among students to empower them to assess situations and choose safe ways to directly or indirectly interrupt unsafe behaviours.

l) An alcohol awareness campaign focusing on social norms is planned for the fall of 2012. The student government and the Health Promotion/Education unit will collaborate on this initiative.

2. Misconduct

a) A formal review of the non-academic discipline systems at Queen’s is underway by a Review Committee led by the VP/Dean of Students that includes representation from Residence Life, Athletics & Recreation, undergraduate and graduate student governments, Provost’s Office, and a faculty member. Committee is expected to report to the Provost and bring forward recommendations for a revised policy in February of 2012.

b) In the meantime, the Provost has delegated authority to deal with serious health and safety issues, including alcohol-related misconduct to the office of the Vice Provost/Dean of Student Affairs. The VP/Dean’s office has vetted and dealt with 20 cases involving 33 students from August 15 to December 3, 2011.
3. Safety and Security

a) A new Residence Security Supervisor position was created and filled in the summer of 2011 to ensure Residences has dedicated security resources for its population of 4,000 students. This security supervisor responds to incidents during four of the busiest nights every week/weekend and is also engaged in proactive education and community building with Residence Life. The presence of this position is proving to be beneficial to Residences and Security while helping to protect the health, safety and security of residents and the residential community. A second Residence Security Supervisor was hired in January 2012.

b) Safety initiatives that are completed or in progress include:
   • Roof top door signage prohibiting access has been developed and majority of door and access areas have been signed.
   • A campus-wide initiative is in the final stages of implementation involving new restricted cylinders and hardware replacement (locksets and closers) on all roof-access doors that will increase door security and safety. Keys are available on an as-needed basis only to PPS, Campus Security and the Kingston Fire Department
   • All Residence windows were inspected and repaired during the summer and anti-vandalism screws have been installed to better secure window screens. Additionally, staff performs visual inspections of all common area windows on a monthly basis.
   • Discussions on how and where to address policies that pertain to student safety in addition to than employee health and safety are underway. Consideration being given to including specific references in Student Code of Conduct.
   • “Safety” information/resources provided at Orientation, in Residence and by AMS, SGPS, Campus Security, Kingston Police, QUIC, KFR, HCDS; comprehensive overview of all student safety information and resources available on student safety website at http://www.queensu.ca/studentaffairs/safety.html
   • Campus security reports reviewed daily and breaches pertaining to safety, including roof access and malicious activations of blue lights addressed by the Office of the Dean of Student Affairs.
   • 2012-2013 Student Safety Action Plan includes:
     i. survey students, staff and faculty about their knowledge and understanding of safety protocols, procedures and initiatives;
     ii. the development of a Safety Awareness Campaign to address gaps in student safety awareness,
     iii. the launch of a Safety Application that students can download free on their cell phones.

4. Mental Health

a) A new counselling model (Triage) has been implemented and has reduced wait times considerably. The focus is on seeing students as quickly as possible, especially those in crisis.

b) A mental health nurse has been hired by Health, Counselling & Disability Services to provide specific expertise and support to students presenting with mental health concerns. Two Residence Outreach Counsellors provided dedicated personal support and counselling to 1st year students in Residences and Residence Dons.
c) Since May 2011 over 3,000 students staff and faculty have been trained in how to identify and help students in distress. A part of the mental health training deals with "what to do if you are concerned about a student". As a result of this approach, the number of requests to the counseling department for advice regarding students of concern has increased by more than 200% as compared to last fall.

d) All residence rooms have a poster with a list of phone numbers for seeking assistance. The numbers include campus security, health and counselling and other campus services as well as 24 hour crisis lines.

e) Queen’s is participating in the pilot phase of The Jack Project, an initiative designed to facilitate education and collaboration among and between students and educators about mental health.

f) The Principal has established a Mental Health Commission to make recommendations on a university-wide strategy to address mental health issues on campus. The report is expected in April of 2012.

g) The third comprehensive Health and Wellness Survey will be launched in February of 2012.