

Senate Committee on Non-Academic Discipline
Report to the Senate

Athletics and Recreation Non-Academic Discipline Judicial Process
(Discipline Policy)

April 22, 2010

Background

In April 2008, Athletics and Recreation (A&R) conducted a review of its Policies and Procedures, including an examination of the A&R Non-Academic Discipline Policy and Procedures for students involved in athletics and recreational programs. Through the review process, it was determined that the existing policy required a significant update.

Analysis and Discussion

SONAD met on April 7, 2010, to review the A&R *Non-Academic Discipline Judicial Process (Discipline Policy)*. The Director, Athletics and Recreation, Leslie Dal Cin, and Associate Dean of Student Affairs, Roxy Dennison-Stewart attended the meeting to speak to the revision of the policy.

L. Dal Cin informed SONAD members that the revised policy provides greater transparency for inter-university, club, and intramural athletes regarding behaviour, discipline, and the procedures to be followed when addressing non-academic discipline and appeals in A&R. The policy creates a single common mechanism for all A&R programs on matters of discipline, recognizing the need for an efficient method of dealing with potentially time-sensitive issues inherent in the sport environment. In addition, the Queen's Student-Athlete - Guidelines for Behaviour, Intramural Sport Program Participant – Guidelines for Behaviour and Summary of Infractions documents were developed and incorporated into the inter-university and recreational orientation and registration procedures.

The Athletics Working Group consulted with the Inter-University, Club and Intramural Captains; the Inter-University Club Coaches and Team Leaders; the Athletics and Recreation Staff; the University Council and Athletics and Recreation; and, the AMS Commissioner of Internal Affairs. This policy has been approved at the Athletics and Recreation Department level and reviewed with the AMS.

SONAD approved the Athletics and Recreation *Non-Academic Discipline Judicial Process (Discipline Policy)*.

Recommendation:

The Senate Committee on Non-Academic Discipline submits the following recommendation:

That the Athletics and Recreation Non-Academic Discipline Judicial Process (Discipline Policy) be approved by the Senate.

and

That the Senate Committee on Non-Academic Discipline terms of reference be revised to include the review of an annual report on non-academic discipline from Athletics and Recreation.

Respectfully submitted,

L. Jackson
Chair of SONAD

SONAD Membership 2009 – 2010

L. Anderson, AMS designate
L. Jackson, Rector
C. Kahn SGPS designate
J. Laker, AVP/Dean of Student Affairs
P. Osanic, Faculty of Law/School of Business
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S. Ryan, ITSservices
H. Smith, Dispute Resolution
K. Wiener, Student Senator



Athletics & Recreation

Non-Academic Discipline Judicial Process (Discipline Policy)

Preamble

Athletics & Recreation is committed to providing a sport environment that is characterized by the values of fairness, integrity, open communication, healthy competition and mutual respect.

Participation in formalized recreational programming and/or on an athletic club or team at Queen's University, whether Inter-University or Intramural, is a privilege and requires that students abide by University policies and procedures.

Students involved in Intramural sports participate in a program that is open, inclusive and has a "Fun for All" philosophy as its core principles. Intramurals create an environment that encourages and promotes physical activity, positive social interaction, camaraderie and healthy competition in a safe, sport environment that embodies the highest ideals of fair play.

Queen's encourages within its students an understanding of and commitment to good citizenship. Participation on an athletic team or club creates a unique opportunity to be a role model, peer supporter, mentor, and spokesperson. However, members of an athletic team or club, as some of the most visible students on campus and in our community, may be subject to greater public interest and scrutiny. Student-athletes acknowledge that their social interaction and personal deportment, both on- and off-campus, will be viewed as a reflection of Queen's students' commitment to good citizenship generally. Therefore, student-athletes, as representatives of the University, shall conduct themselves in a manner that recognizes this enhanced profile.

Given the nature and timeline that result from participation in athletic activities and schedules related to competition, Athletics & Recreation requires the ability to deal with non-academic disciplinary matters in an expedient and transparent manner, while respecting the principles of fairness and natural justice. In recognition of the short timelines between sporting events and competitions, all efforts will be made to manage the disciplinary investigation and hearing process in a timeframe that ensures due process, while being cognizant of the time constraints related to participation and competition schedules.

Regarding matters of discipline within Athletics & Recreation programs, consideration must be given to the differing sport environments, rules of play, governing regulations, and cultures. For example:

- infractions that occur in an Intramural game that is administered, operated and officiated by student leadership, need to be considered differently from infractions that occur in Inter-University games, which are highly-regulated and governed by organized leagues, with professional convenors and officials.
- there are significant variations in sport rules and regulations regarding conduct and imposable penalties; e.g., a red card in soccer is judged differently than an unsportsmanlike technical foul in basketball.

Queen's recognizes that all members of the University community have the right to be free from harassment and discrimination. A complaint of harassment or discrimination may be brought under the *Queen's University Harassment/Discrimination Complaint Policy and Procedure*.

1) Application of This Policy

This policy applies to student participants:

- a) on Inter-University teams and clubs (athletes, student leaders, managers, therapists and others who may have a role on the team and/or club);
- b) in Intramural sports programs; and,
- c) in other recreation programs, recreational clubs, fitness, aquatics, etc.

2) Definitions

A&R means the Athletics & Recreation Department

Coordinator means an employee of Athletics & Recreation who has functional responsibility for the planning and operation of a program (e.g., Assistant Manager - Inter-University Sport Program, Coordinator – Sport Clubs and Camps, Coordinator – Intramurals)

Days means a calendar day, including statutory holidays.

Decision-Maker	a body or person who has been designated, by their role, directly or indirectly, the power to hear non-academic discipline proceedings and render decisions that are binding upon the parties to the proceeding.
Director	means the Director of Athletics & Recreation.
Hearing	a) a meeting at which the parties and/or their representatives attend in person before the Athletics & Recreation Disciplinary Panel (herein referred to as the "Panel"); b) a meeting held by means of the exchange of electronic or hard-copy documents, and without the attendance of the parties; or, c) a meeting held by conference telephone or some other form of electronic technology, allowing persons to communicate with one another.
Intramural Participant	means anyone who fits the definition of a Student (as below), and who participates in an Intramural activity, program, league or tournament conducted by Athletics & Recreation, and who is bound by the <i>Intramural Sport Program Participant Guidelines for Behaviour</i> (see Appendix B).
Investigating Officer	means the Coordinator, or designate, who is responsible for investigating an infraction.
Major Infraction	means actions that have a significant negative impact on another individual(s); actions that endanger the safety and security of the perpetrator or others at an Athletics & Recreation event, activity or program; actions that undermine the dignity of another individual; actions that result in serious damage to University property; or actions that affect the image and reputation of the University (see Appendix C for examples).
Manager	means the Manager, Recreation & Sports Clubs and/or the Manager, Inter-University Sports Program.
Minor Infraction	means actions by an individual, or individuals, which interfere with another person's enjoyment of an athletic or recreational event; conduct contrary to the ideals of fair play; failing to comply or following procedures that could negatively affect participation; or abuse of property or facilities (see Appendix C for examples).
Panel	means the Athletics & Recreation Disciplinary Panel (a disciplinary tribunal).
Repeat Infractions	if a Student-Athlete or Intramural Participant commits more than two minor infractions within an academic year, then the situation will be treated as a Major Infraction and s/he may be referred to the Panel for a hearing.
Respondent	a student who has allegedly committed an infraction. In the case of Team Infractions, the Team Captain and/or Assistant Captains shall be considered as the representative(s) of the Team.
Student	means anyone who is registered in an academic program at Queen's University, on either a full-time or part-time basis, or was so registered at the time of the events upon which a disciplinary proceeding of first instance and any subsequent appeal is based.
Student-Athlete	means anyone who fits the definition of a student (above), and who participates on an Inter-University team or club and/or who signs the <i>Queen's Student-Athlete Guidelines for Behaviour</i> as a condition of participation on a team or club (see Appendix A).
Team Captain	means the individual who is the named Team Captain, or the person who is most responsible for the administrative responsibilities of a team.

3) Conduct

Queen's University students are required to conduct themselves in a manner that does not infringe on the rights of other members of the University community.¹ Student behaviour must also conform to Athletics & Recreation departmental policies, team rules, and the policies and procedures of Ontario University Athletics (OUA), Canadian Inter-University Sport (CIS) and/or any other applicable sport-governing body. Issues related to the *Queen's Code of Conduct*, the University's *Harassment/Discrimination Complaint Policy and Procedures*, or other disciplinary processes will be referred to other disciplinary tribunals.

In particular:

- Intramural Participants are expected to conduct themselves at all times to reflect the highest standard of fair play, while respecting the rights of others to participate in a safe, sport environment. This standard of behaviour is outlined in Appendix B – *Intramural Sports Program Participant – Guidelines for Behaviour*.

¹ *Queen's University Senate Policy on Student Appeals, Rights and Discipline (SARD)*, Page 3, Student Conduct

- Student-Athletes are expected to be positive role models and ambassadors of the University, the Athletics & Recreation department and their teams, demonstrating the pursuit of ethical sport, fair play, honesty, integrity and respect for others. This standard of behaviour is outlined in Appendix A – *Queen's Student-Athlete – Guidelines for Behaviour*.

4) Jurisdiction

The Director of Athletics & Recreation has the responsibility for ensuring the effective operation of the policies and processes that deal with non-academic discipline in Athletics & Recreation activities. The Director reserves the right to effect such steps as is necessary to ensure the safety, security and well-being of Student-Athletes, Intramural Participants, and all others involved in athletic and recreation programs and/or to preserve University property and/or reputation. This policy creates one procedure to address non-academic discipline matters that occur within Athletics & Recreation programs; however, this does not preclude the Director from referring a matter to the University Student Appeal Board (USAB) for a decision as provided in Section 17c of the *Queen's University Senate Policy on Student Appeals, Rights & Discipline*.

4 a) *Doping Control, Infractions and Sanctions*

Regarding all anti-doping matters, this policy establishes that Student-Athletes are bound by the rules and provisions of the Canadian Anti-Doping Program (CADP) as administered by the Canadian Centre for Ethics in Sport (CCES). They are also bound by the *Canadian Policy Against Doping in Sport*. If an individual or team is deemed to have committed an anti-doping rule violation, and a sanction is imposed as per the rules of the CADP, that sanction will be honoured and cannot be appealed under this policy. All imposed sanctions for an anti-doping rule violation will be referred to the Panel for review in order to determine if further sanctions and/or penalties should be imposed.

4 b) *Rules of Play, Infractions and Sanctions*

For infractions that occur within the field of play, students are bound by the Sport Rules of Play (Inter-University or Intramural) and Table of Sanctions as administered by an Intramural or Inter-University League Convenor, and/or a respective sport-governing body (e.g., OUA, CIS, NSO). Field of Play sanctions cannot be appealed.

Sanctions that are imposed by a League Convenor and/or a respective sport-governing body, including sanctions governed by *Canadian Doping Control Regulations*, and that result in the assessment of game, and/or multiple game suspensions by a League Convenor (Inter-University or Intramural) may be reviewed by the Panel. If the nature of the action that caused the penalty and/or sanction to be imposed is consistent with actions that are defined as a "Major" or "Repeat" Infraction in this process, then an incident report shall be filed, and the matter will be referred to the Panel for review. The Panel may impose additional sanctions, in accordance with section 5 g) of this policy.

5) Rules of Procedure

See Appendix D for an overview of the discipline process.

5 a) *Infractions*

Infractions of the respective *Guidelines for Behaviour* are classified into Minor, Major or Repeat Infractions, based on the severity of the violation (see Appendix C for examples of Minor and Major Infractions). The Coordinators are responsible for handling Minor Infractions. Major Infractions and Repeat Infractions shall be referred to the Panel. The Managers act as the Chair of the Panel, overseeing the operation of the Panel, and ensuring that the rules of procedure are followed

5 b) *Incident Reporting*

A student, student-athlete, intramural participant, student leader, coach, Queen's faculty or staff member, or a representative from another institution or facility, an official, or a member of the community at large may report any incident to the appropriate Coordinator. Upon receiving information regarding an infraction, an Incident Report will be completed and submitted to the respective Coordinator.

The Incident Report will include:

- a description of the alleged infraction;
- the time, date and place on which the alleged infraction was committed;
- the name(s) of the alleged Student-Athlete(s), Intramural Participant(s), and/or Recreation Program participant(s); and,
- if applicable, information about witnesses, or other parties, to the infraction.

5 c) *Notices*

All notices in regard to the procedures outlined in this policy will be sent electronically to the student's University e-mail account, or delivered personally by an Athletics & Recreation staff member. All correspondence will be deemed to have been received and read two (2) days after delivery.

5 d) *Investigation*

Upon learning of a reported infraction, the Coordinator (herein referred to as the "Investigating Officer") conducts an investigation to gather all applicable evidence relating to the infraction. This may include: speaking with the student(s) involved, the team coach and/or student-leader, as well as any other individual that may have knowledge pertaining to the infraction. During this investigation, the Investigating Officer

will consider the importance of a short timeframe, and will inform the student(s) who allegedly committed the infraction (herein referred to as the "Respondent") that an investigation is underway by providing the student(s) with a written Notice of Investigation.

The Notice of Investigation will include:

- the time, date and place on which the alleged infraction was committed;
- an advisory that an investigation into the matter is proceeding, which includes the collection of evidence;
- an opportunity to submit his/her version of events regarding the alleged infraction; and,
- a reference to the location of the Athletics & Recreation *Discipline Policy* on the Athletics & Recreation website.

After the Investigation is concluded, and all available evidence has been collected, the Investigating Officer shall determine that:

- the alleged incident does constitute a violation of the respective *Guidelines for Behaviour*, and therefore may be deemed an infraction;
- the alleged infraction was committed by an individual and/or team;
- the nature of the alleged infraction is Minor or Major; and,
- whether this would be a first or Repeat Infraction.

Should the incident be determined to be a Major Infraction and/or a Repeat Infraction, the Investigating Officer will refer the case to the Panel (see procedures outlined in 5 g). If deemed to be a Minor Infraction, then the Investigating Officer (Coordinator) is deemed to have jurisdiction and shall follow the procedures outlined in 5 f).

5 e) *Resolution Before or During an Investigation*

The opportunity to accept responsibility for an infraction is offered at any point during the investigation. The Respondent(s) may choose to agree with the information as presented by the Investigating Officer, and waive the need for any further investigation. In the case of a Minor Infraction, the Investigating Officer shall review the information and move immediately to consider a decision and appropriate sanctions. In the case of a Major Infraction, then the Investigating Officer shall refer the case to the appropriate Manager, who shall convene the Panel. In the case of settlement for a Minor Infraction, it shall be reviewed and approved by the Manager. A copy of the decision and sanction will be given to the Respondent(s) and placed into the Discipline files.

5 f) *Investigation – Minor Infractions*

The Investigating Officer is deemed to have jurisdiction over all procedures, proceedings and sanctions for infractions that are, or are consistent with, those described as Minor in nature.

In the event that a Minor Infraction occurs during a sports tournament, or similar event, and the situation needs to be addressed immediately, then the Investigating Officer may exercise discretion regarding timelines, procedures, and proceedings, and may impose an immediate sanction.

At the conclusion of the investigation, and if there is no "Resolution Before or During an Investigation", the Investigating Officer shall contact the Respondent(s) with a "Meeting Notice". The meeting will be scheduled at least two (2) days after the date that the Meeting Notice is issued.

Meeting Notice

The "Meeting Notice" shall be given in writing and shall include:

- a description of the alleged infraction;
- the time, date and place on which the alleged infraction was committed;
- a summary of the evidence collected to date;
- the time, date and place of the meeting;
- a statement informing the Respondent(s) that s/he is normally expected to represent themselves during the meeting, and that s/he is entitled to assistance or representation from a friend, grievance advisor, legal aid or other legal counsel during the meeting, and where to find these available resources;
- information on how to settle prior to the meeting, by accepting responsibility for the violation, and agreeing to accept the decision and sanction(s) as imposed by the Investigating Officer;
- a reminder that if the Respondent(s) does not attend the meeting, the Investigating Officer may proceed in his/her absence;
- who to contact if the Respondent(s) is confused or unsure how to proceed; and,
- an opportunity to submit his/her version of events, prior to the meeting.

Decisions

In consideration of the matter before her/him, the Investigating Officer shall consider the following factors regarding the incident:

- a) information gathered and/or provided;
- b) whether this is an individual and/or team-related infraction;
- c) the nature and severity of the infraction;
- d) the individual(s) acknowledgement of responsibility;

- e) the individual(s) extent of remorse;
- f) sanctions already imposed by the Coach or Team Captain; and,
- g) sanctions imposed by a League Convenor or governing body.

Sanctions

Respondent(s) found to be in violation of a Minor Infraction are subject to a range of sanctions. These sanctions may include, but are not limited to:

- written or verbal apology;
- written reprimand to be placed in the individual's and/or team/club record;
- suspension from travel;
- reimbursement of damages²;
- reimbursement of fines or administrative fees levied by a league or association that resulted from the incident²;
- publication of information regarding an incident and resulting sanctions, respecting privacy legislation, as appropriate;
- community service by the individual(s) or team/club/program;
- suspension from certain Athletics & Recreation events (year-end banquets, etc);
- suspension from a single competition or series of competitions; and
- other sanctions as may be commensurate with the infraction.

The sanctions listed above may be used independently, or in combination, for any infraction. Any unpaid fines or reimbursement of damages or fees will be added to the student's account.

In the event that a Coach, Team or League Convenor has imposed a sanction on the Respondent(s) prior to the Hearing, the Coordinator may take this into consideration and may choose to uphold the imposed sanction and/or impose additional sanctions.

After deliberating, the Investigating Officer shall notify the Respondent(s) of the decision and sanction(s) (if applicable) by email. A written decision will be given to the Respondent(s), no later than two (2) days after the completion of the Meeting. The decision will include the sanction(s) imposed and a timeframe within which the Respondent(s) must comply with the terms of the sanction(s). The letter will also include a description of the *A&R Appeal Policy & Procedure* and where a copy of the *Appeal Policy* can be found. In the case of a team infraction that results in a team sanction, it is the responsibility of the Respondent(s) to communicate the decision and the sanction(s) to the broader members of the team.

Information relating to the Respondent's ability to participate in sports and recreation activities will be provided to the Coach and/or Student Leader. If deemed appropriate, this information may be provided to other campus departments as required (e.g., Campus Security). As necessary, off-campus parties may be notified (e.g., city leagues, other institutions, OUA, CIS).

5 g) Investigation – Major Infractions

Should the Investigating Officer determine the infraction to be a Major Infraction and/or a Repeat Infraction, the Investigating Officer shall refer the case to the Panel and turn over all evidence relating to the infraction to the respective Manager, who shall be the Chair of the Panel.

In the event that a Major Infraction occurs during a sports tournament, or similar event, and the situation needs to be addressed immediately, then the Investigating Officer shall contact the Manager, who is deemed to have jurisdiction over procedures, and may give preliminary direction on the timelines, proceedings and may impose an immediate sanction. The case will then be referred to the appropriate discipline process.

If the individual(s) allegedly responsible for an infraction cannot be found during the two (2) day investigative period, the matter will remain under investigation until such time as the responsible individual(s) may be determined. If applicable, any imposed sanction(s) will remain in effect until such time as the responsible party is determined. Individuals found to have played a significant organizational role for which a team is sanctioned may be subject to additional sanctions beyond that of the team.

Initiation of Proceedings

Once the Chair of the Panel has received the evidence from the Investigating Officer, the Chair has two (2) days to inform the Respondent(s) of the alleged violation, with details of the scheduled hearing, in writing, through a "Notice to Initiate a Hearing" letter. The hearing will be scheduled a minimum of two (2) days after the date of the notification letter, to allow the Respondent(s) sufficient time to prepare. The Respondent(s) may request an extension of the timelines for legitimate or compelling reasons. Timeline extensions will be determined by the Chair.

² *Administrative fees may include the cost of athletic venue charges, an official's pay, etc. Any unpaid fines or reimbursement of damages or fees will be added to the student's account

Notice to Initiate a Hearing

The 'Notice to Initiate a Hearing' shall be given in writing and shall include:

- a description of the alleged infraction;
- the time, date and place on which the alleged infraction was committed;
- a summary of the evidence collected to date;
- the time, date and place of the hearing;
- a statement informing the Respondent(s) that s/he is normally expected to represent themselves during the hearing, and that s/he is entitled to assistance or representation from a friend, grievance advisor, legal aid or other legal counsel during the hearing, and where to find these available resources;
- information outlining how the Panel is structured and how the hearing is to proceed;
- information on how to settle prior to the hearing, by accepting responsibility for the infraction, and agreeing to accept the decision and sanction(s) as suggested by the Panel;
- a reminder that if the Respondent(s) does not attend the hearing, the Panel may proceed in his/her absence;
- who to contact if the Respondent(s) is confused or unsure how to proceed; and,
- an opportunity to submit his/her version of events, prior to the hearing.

Resolution Before a Hearing

The opportunity to accept responsibility for an infraction is offered at any point before the actual convening of the Panel. The Respondent may choose to agree with the information as presented by the Investigating Officer and waive the opportunity to make a presentation to the Panel. In this case, the Panel shall review the information and move immediately to consider their decision and appropriate sanctions.

Composition and Responsibilities of the Panel

Infractions in Recreation Programs (clubs, intramurals, etc.) will be heard by the Recreation Panel, comprised of 3 voting members:

- the Manager, Recreation and Sports Clubs, or designate, who shall be the Chair of the Panel;
- a Coach or Student Leader involved in recreational programming; and,
- a student who is involved in recreational programming.*

Infractions in Inter-University Programs will be heard by the Inter-University Sport Panel, comprised of 3 voting members:

- the Manager, Inter-University Sport Program or designate, who shall be the Chair of the Panel;
- a Coach; and,
- a student who is a member of an Inter-University team and/or club.*

* In cases where the incident involves a single respondent appearing before a Discipline Panel (Recreation or Inter-University), reasonable efforts shall be made to select a student panel member from the respondent's student society (i.e. AMS or SGPS). However, the inability to locate a student who is both a participant in athletics and recreation programming (intramurals, clubs, inter-university, etc.) and from the appropriate student society shall not hinder the panel's efforts to schedule a timely hearing for the respondent, nor will it invalidate the findings of the panel.

Three members will constitute quorum.

The Panel, at its discretion, may refer a case to a more appropriate body or individual within the University. In this situation, the Respondent(s) and all other parties to the infraction(s) shall be notified of this decision, in writing, by the Chair of the Panel.

In preparation for the hearing, each Panel member shall receive an information package, consisting of:

- a) a copy of the time, date and place of the alleged incident;
- b) a copy of information relating to the incident, including the Incident Report;
- c) a listing of the members of the Panel; and,
- d) a copy of this Process.

Conflict of Interest

To ensure that the proceedings are free from any possible conflict of interest, or apprehension of bias, the Chair, through the "Notice to Initiate a Hearing", will ask the Respondent(s) appearing before the Panel if s/he has any concern about the Panel members, with regard to potential bias or conflict of interest. If the Respondent(s) indicates any valid concern about a member of the Panel, that person may be excused from the process. The Chair shall consider the Respondent's concern and, if appropriate, replace the Panel member with an alternate from the same representative demographic.

Proceedings

The parties to a hearing are: the Chair of the Panel, Panel members, the Investigating Officer, the Respondent(s), a support person (at the discretion of the Respondent), and the witnesses. Hearings are closed to members of the public. All members of the Panel will respect the confidentiality of the hearing proceedings, written submissions and testimony from all witnesses.

The Chair, on behalf of the Panel, reserves the right to make decisions and rulings necessary to maintain order, and to ensure that the hearing is conducted in an expeditious manner.

The hearing proceeds in the following manner:

- a) the Chair introduces the members of the Panel and explains how the hearing will proceed;
- b) the Investigating Officer reads a description of the alleged incident and presents the case, including calling witnesses and entering evidence;
- c) the Investigating Officer's witnesses may be questioned by the Respondent(s); Panel members may seek clarification from the witnesses;
- d) the Respondent(s) may make an opening statement, during which s/he may admit or deny the allegation, in whole or in part;
- e) the Respondent(s) presents his or her case, including calling witnesses and entering evidence;
- f) the Respondent's witnesses may be questioned by the Investigating Officer; Panel members may seek clarification from the witnesses;
- g) a closing submission by the Investigating Officer; and,
- h) a closing submission by the Respondent(s).

When the hearing is complete, the Panel adjourns to deliberate upon the case and make its decisions.

Admissibility of Evidence

The Panel may admit as evidence at a hearing, whether it may be admissible or not in a civil or criminal court, any oral testimony, any document, any visual or digital recording, and/or other object that is relevant to the proceedings. The Panel may exclude anything unduly repetitious.

When a party to the hearing (the Respondent(s), the Investigating Officer or witnesses) plans to submit documents, or make written submissions, a copy of the submissions or documents must be delivered to the Chair of the Panel, at least two (2) days prior to the hearing, so that the documents may be distributed to the Panel members in advance.

Questioning

The Chair must allow, but may reasonably limit, the questioning of a witness, where the Chair is satisfied that questioning has sufficiently disclosed and/or tested the evidence.

Representation

The Respondent(s) will normally be required to answer for him/herself during the hearing, but is entitled to assistance or representation from a friend, grievance advisor, legal aid or other legal counsel. Respondents choosing to be represented by a third party must notify the Chair, in writing, at least two (2) days prior to a scheduled hearing.

Witnesses

If the Respondent(s) wants to bring witnesses to the hearing, then s/he must notify the Chair, in writing, of their desire to request the presence of a witness at least two (2) days prior to a scheduled hearing. The Chair reserves the right to refuse a list of witnesses submitted after this time. The Chair may limit the number of witnesses permitted to testify, and reserves the right to require reasons for witness requests that appear to be excessive and/or unnecessary. Witnesses will be questioned on an individual basis, as appropriate. It is the responsibility of the Respondent(s) to contact witnesses, informing them of the hearing.

Decisions

In consideration of the matter before them, the Panel shall consider the following factors regarding the incident:

- a) the facts and information provided;
- b) whether this is an individual and/or team-related infraction;
- c) the nature and severity of the infraction;
- d) whether this is a first or repeat infraction;
- e) the individual(s) acknowledgement of responsibility;
- f) the individual(s) extent of remorse;
- g) sanctions already imposed by the Coach, Team Captain, Investigating Officer or Manager; and,
- h) sanctions imposed by the League Convenor or governing body.

Once the hearing proceedings have concluded, and all the facts have been collected and heard, the Panel must render a decision regarding responsibility for the alleged infraction. If possible, the Panel should render a unanimous decision.

After its deliberations, the Chair shall notify the Respondent(s) of the Panel's decision and sanction (if applicable), verbally or by e-mail. A written decision must be given to the Respondent(s), no later than two (2) days after the completion of the hearing. The decision includes the sanction(s) imposed and a timeframe within which the Respondent(s) must comply with the terms of the sanction(s). The letter also includes

a description of the *A&R Appeal Policy and Procedure* and where a copy of the *Appeal Policy* can be found. In the case of a team infraction that results in a team sanction, it is the responsibility of the Respondent(s) to communicate the decision and sanction(s) to the broader members of the team.

The Chair signs the letter to verify the decision. A copy of the decision will be provided to the Respondent(s), the respective Coordinator responsible for the team, club or program, and the Coach and/or Student Leader. As necessary, other campus officials may be provided with a copy of the decision (e.g., other units within the department of Athletics & Recreation, Student Affairs, Campus Security, and the Human Rights Office). If deemed appropriate, off-campus parties may also be notified (e.g., city leagues, other institutions, OUA, CIS).

Sanctions

The individual/team/club/program found to be in violation of an infraction, or exhibiting inappropriate behaviour, are subject to a range of sanctions. These sanctions may include, but are not limited to:

- written apology;
- written reprimand to be placed in the individual's and/or team/club record;
- probationary status applied to the individual/team/club/program;
- suspension from travel;
- reimbursement of damages;
- reimbursement of fines levied by a league or association;
- publication of information about the incident and resulting sanctions, respecting privacy legislation, where appropriate;
- community service by the individual(s) or team/club/program;
- suspension from certain Athletics & Recreation events (year-end banquets, etc);
- suspension from a single competition or series of competitions;
- a recommendation to the Director of Athletics & Recreation that the individual/team/club/program be:
 - suspended from an entire season of play, which may result in the loss of an Athletic Financial Award for an individual;
 - permanently suspended from participation with a team/club/program and/or other Athletics & Recreation programming, which may result in the loss of an Athletic Financial Award for an individual;
 - suspended from Athletics & Recreation funding and/or services;
 - demoted or terminated as a sport/team/club/program; and,
- other sanctions as may be considered appropriate for the infraction.

The sanctions listed above may be used independently, or in combination, for any infraction.

In the event that a Coach, Team or League Convenor has imposed a sanction on the Respondent(s) prior to the hearing, the Panel shall take this into consideration and may choose to ratify and uphold the imposed sanction and/or impose additional sanctions.

6) Appeals

Respondents have the right to appeal a decision, in accordance with the *Athletics & Recreation Appeal Policy and Procedure*.

7) Reporting

The Director of Athletics & Recreation shall submit an annual report on disciplinary cases to the Senate Committee on Non-Academic Discipline (SONAD).

Appendix A



Queen's Student-Athletes - Guidelines for Behaviour

Overview

Membership on an athletic team at Queen's University is considered a privilege and should not be taken lightly. Student-Athletes, as representatives of the University are amongst the most visible students on campus and in our community. Participation on an athletic team creates the unique opportunity to be a role model, peer supporter, mentor and spokesperson; it also brings responsibilities. The social interaction and personal deportment of Student-Athletes, both on- and off-campus, can be subject to scrutiny and public knowledge.

A Queen's Student-Athlete is expected to be a positive role model and ambassador of the University, the Athletics & Recreation Department and their team, demonstrating the pursuit of ethical sport, fair play, honesty, integrity and respect for others at all times. In addition, s/he is expected to abide by all University policies, Athletic & Recreation Department policies, team rules and the policies and procedures of Ontario University Athletics (OUA), Canadian Inter-University Sport (CIS) and/or other sport-governing bodies.

It is the expectation that Queen's Student-Athletes will be responsible citizens, achieving academically and performing athletically.

In addition to those rules and responsibilities outlined in the *Queen's Student Code of Conduct*, Student-Athletes are expected to:

- Pursue academic success while a Student-Athlete, being a responsible member of each class, which includes attending, being prepared, completing requirements and participating at the level expected of all Queen's students.
- Fulfill all team commitments throughout the year, including, pre-, mid-, post- or off-season activities as required by their respective sport, and to notify their coach regarding any conflict or problems which might reasonably interfere with the fulfillment of these commitments.
- Exhibit conduct at all times which compliments and enhances the University and team's reputation, reflecting the highest standards of honour and dignity that should characterize participation in competitive Inter-University sport.
- Not engage in and/or always separate themselves from any conduct that might be considered unsporting, or that might bring their own reputation, the reputation of the team, the Athletics & Recreation Department, University or their sport into disrepute.
- Refrain from posting or contributing material to any social networking (Facebook, MySpace, etc.) or other internet site, and/or any other public medium that reflects negatively upon themselves, their team, the coaching staff, the Athletics & Recreation Department, or the University.
- Treat everyone with courtesy and respect, and without discrimination (including harassment) because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, age, marital status, family status, or disability. This expectation prohibits any form of harassment or discrimination.
- Conduct all team welcoming and/or social activities in a manner that respects the individual's rights, integrity, dignity, safety and well-being, including the right to participate voluntarily without any pressure. Activities that have forced participation, are demeaning, humiliating or disrespectful, are unacceptable.
- Avoid any negative interaction or conflict with members of the opposing team (including fans, spectators or supporters), except as they occur in the actual course of competition, and which constitute a reasonable expression of the competitive spirit of the team or team members.
- Abide by the rules and regulations of their sport as set out by the OUA, the CIS and/or the respective sport-governing body.

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- Avoid the use of anabolic steroids, or any other illegal, performance-enhancing drugs, and/or techniques (blood doping), as outlined by the Centre for Ethics in Sport (www.cces.ca). Athletes who engage in or observe the use of such substance or techniques by another Student-Athlete are required to report the conduct to the Head Athletic Therapist.

The responsibility to check the status of all medications to ensure that it is not prohibited is the responsibility of the athlete. Information to assist is available from:

Substance Classification Booklet:

www.cces.ca/pdfs/CCES-PUB-SubstanceClass-E.pdf

World Anti-Doping Agency (WADA) Prohibited List:

www.wada-ama.org

Email the CCES:

substanceinquirers@cces.ca

CCES Info Line: 1-800-672-7775

- Refrain from the use of illegal or "recreational" drugs (marijuana, cocaine, hashish), as well as the illegal and/or excessive consumption of alcohol. Under no circumstances shall a Queen's Student-Athlete provide alcohol or other such recreational substance, to anyone who has not reached the age of majority.

Informed Consent

I, _____ (print name), am a Student-Athlete at Queen's University. My signature below confirms that I have read the *Queen's Student-Athlete – Guidelines for Behaviour* and that I agree to abide by all of the expectations and responsibilities outlined above. I also acknowledge that any violation of the *Queen's Student-Athlete – Guidelines for Behaviour* will result in appropriate sport-related discipline as determined by my Head Coach, and/or the Athletics & Recreation Department. See the *Athletics & Recreation Non-Academic Discipline Judicial Process (Discipline Policy)* for the procedures governing disciplinary action and a summary of infractions and sanctions.

Name: _____

Signature: _____

Date: _____



Intramural Sport Program Participant – Guidelines for Behaviour

Overview

Participation in Intramural Sport activities (leagues, tournaments, special events) should be considered a privilege.

The philosophy of the Intramural Sport Programs at Queen's is based on "Fun for All" principles, encouraging and promoting physical activity, positive social interaction, camaraderie and healthy competition in a safe, sport environment that embodies the highest ideals of fair play

In addition to the rules and responsibilities outlined in the *Queen's Student Code of Conduct*, it is expected that participants in Intramural Sport Programs will:

- Treat everyone with courtesy and respect, and without discrimination (including harassment) because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, age, marital status, family status, or disability. This expectation prohibits any form of harassment or discrimination.
- Exhibit conduct at all times reflecting the highest standard of fair play, honour and dignity that characterize a Queen's student.
- Refrain from the use of illegal drugs and alcohol while participating in intramural activities, or traveling to/from such activities. A zero tolerance philosophy will apply to incidents involving drugs and/or alcohol.
- Avoid any negative interaction or conflict with members of the opposing teams, spectators, officials, conveners, administrators and/or facility staff.
- Abide by all rules, regulations and procedures governing the sport, the Intramural Sports Program and the facilities in which they are played.
- Fulfill all administrative commitments related to participation, including but not limited to, proper registration and submission of all required forms.
- Refrain from posting or contributing material to any social networking (Facebook, MySpace, etc.) or other internet site, and/or any other public medium that reflects negatively upon themselves, their team, opponents, officials, conveners, administrators and/or facility staff.
- Conduct any team or society welcoming and/or other social activity in a manner that respects the individual's rights, integrity, dignity, safety, and well-being, including the right to participate voluntarily, without any pressure. Activities that have forced participation, are demeaning, humiliating or disrespectful, are unacceptable.

When signing an Intramural Sport Program Scorecard, which is a requirement to participate in any intramural game, a participant is confirming that s/he will abide by all of the expectations and responsibilities outlined above. Participants are also acknowledging that any violation of the *Intramural Sport Program Participant – Guidelines for Behaviour* will result in appropriate sport-related discipline as determined by the Athletics & Recreation Department. See the *Athletics & Recreation Non-Academic Discipline Judicial Process (Discipline Policy)* for the procedures governing disciplinary action and a Summary of Infractions and Sanctions.



Summary of Infractions

Minor Infractions

Actions by an individual or individuals that interfere with another person's enjoyment of an athletic or recreational event; conduct contrary to the ideals of fair play; knowingly failing to comply or following procedures that could negatively affect participation; or abuse of property or facilities. Examples include, but are not limited to:

1. Disrespectful, offensive or abusive behaviour directed towards others, including, but not limited to, peers, opponents, athletes, coaches, officials, sport leaders, facility/event staff, administrators, spectators or the community at large.
2. Conduct contrary to the ideals of fair play, such as angry outbursts, arguing, spitting, inappropriate gestures, etc.
3. Failing to adhere to administrative requirements or deadlines for event, activity, or league participation that negatively affects or jeopardizes the participation of the team/club.
4. Incidents of misrepresentation, such as, but not limited to, providing false identification, or failure to disclose relevant information.
5. Willful abuse of property, facilities, equipment or vehicles, for which the repair/replacement cost is less than \$500.
6. Non-compliance with the rules and regulations of each sport/program under which events are conducted, whether at the department (intramurals), league (OUA/CIS/other affiliated sport-governing bodies [NSO's, PSO's]), or international level (FISU Games).

Repeat Infractions

If a student-athlete or intramural participant commits more than 2 Minor Infractions within an academic year, then the situation may be reclassified as a Major Infraction. Once a Minor Infraction becomes a Major Infraction, it will be dealt with at a major level and will be subject to the sanctions of a Major Infraction.

Major Infractions

Actions that have a significant negative impact on another individual(s); actions that endanger the safety and security of the alleged perpetrator or others at an Athletics & Recreation event, activity or program; actions that undermine the dignity of another individual; actions that result in serious damage to University property; or actions that affect the image and reputation of the University. Examples include, but are not limited to:

1. Disrespectful, offensive or abusive behaviour directed towards others, including, but not limited to, peers, opponents, athletes, coaches, officials, sport leaders, facility/event staff, administrators, spectators or the community at large.
2. Any incident of racist or sexist comments/behaviour directed towards others, including, but not limited to, peers, opponents, athletes, coaches, officials, sport leaders, facility/event staff, administrators, or spectators.
3. Failing to adhere to administrative requirements or deadlines for event/activity participation that negatively affects or jeopardizes the participation of the team.
4. Conduct contrary to the ideals of fair play, such as angry outbursts, arguing, spitting, inappropriate gestures, etc.
5. Use of banned, performance-enhancing drugs or methods.
6. Use of illicit drugs and/or narcotics.
7. Abuse or promotion of drinking of alcohol, or use of any other illicit substances (e.g., including bringing alcohol into vehicles, into team rooms, providing minors with alcohol).
8. Wilful abuse of property, facilities, equipment or vehicles, for which the repair/replacement cost is more than \$500.
9. Any conduct or action which results in, or could foreseeably result in, harm to the person, image, credibility or reputation of the individual, team, club, department, or University.
10. Hazing or activities that are demeaning, humiliating, disrespectful, or have been forced, are unacceptable. These activities shall include, but are not limited to, pranks, jokes, etc. Any activity that does not respect the individual's rights, integrity, dignity, safety or well-being is unacceptable.

Next Steps	Timeline
Final Draft – Discipline Policy Working Group	Feb 24, 2010
Review and Feedback – Team Captains & Coaches/Leaders	March 5, 2010
Review and Approval – University Council on Athletics and Recreation (UCAR)	March 9, 2010
Review and Approval – Senate Committee on Non-Academic Discipline (SONAD)	TBD - March
Review and Approval – Senate Operations Review Committee	TBD - April
Review and Approval – Senate	TBD – April/May