This memorandum sets out a revised scope clause for the Queen’s University Student Code of Conduct. Pursuant to University Procedures, members of the University community are invited to comment on the proposed change. Final revisions will be subject to approval by the Board of Trustees.

Background
In 2016 the Queen’s University Board of Trustees (“Board”) approved for the first time a Queen’s University Student Code of Conduct (the “Code”) regarding student non-academic misconduct.

The 2016 Code, approved by the Board, included a section detailing the **Scope** of the Code; that is, a Section containing provisions setting out the breadth of student non-academic misconduct over which the University (or an Authorized Agent of the University, such as the AMS) would have jurisdiction (the “Scope Clause”).

The first part of the Scope Clause states as follows:

**Scope**
1) This Code applies to non-academic misconduct by a Student or group of Students that takes place:
   a) on University Property;
   b) off University Property, in circumstances where:
      i) a Student is participating in a Sanctioned Activity, regardless of where that activity takes place;
      ii) a Student’s conduct has a real and substantial connection to the legitimate interests of the University, which include, but are not limited to, its reputation or goodwill in the community; or,
      iii) a Student represents, claims to represent or would reasonably be perceived to be representing, the University or an organization affiliated with the University; and,
c) through electronic media, regardless of where it originates, where there is a clear connection to the University community.

The university has reviewed the highlighted portion above (1(b)(ii)) to provide clarity around when the University assumes jurisdiction over student conduct that takes place off University Property when the conduct has "... a real and substantial connection to the legitimate interests of the University, which include, but are not limited to, its reputation or goodwill in the community.

An environmental scan of the student codes of conduct at other Canadian universities, and in particular at Ontario universities, was conducted to assess whether there is any consensus about, or standardized approach to, the breadth of ‘off-campus’ non-academic student conduct that is subject to university jurisdiction. The scan was completed with a view to recommending any amendments to the Queen’s Scope Clause that would provide a clearer and more readily understandable definition of Queen’s University’s jurisdiction over non-academic student conduct taking place off University Property.

Most university student codes do contain a provision giving universities some disciplinary jurisdiction over off-campus student conduct that is not associated clearly with either a sanctioned activity, or, an activity in which students are in some capacity considered to be ‘representing’ the university. Universities strive to provide an appropriate balance between recognizing an appropriate level of student autonomy in off-campus settings, on the one hand, and recognizing that certain kinds of off-campus student conduct can and do have negative impacts on the university and its stakeholders, on the other hand. This is particularly true in circumstances when off-campus conduct occurs between members of the university community, who must thereafter interact with each other, or who may encounter each other, in the University environment.

After reviewing other Codes and considering the balance above the University is recommending the following language to replace the existing Section 1 of the Scope Clause in the Code:

**Scope**

1) This Code applies to non-academic misconduct by a Student or group of Students that takes place:

   a) on University Property;
   b) off University Property, or through electronic media regardless of where it originates, in circumstances where:
   i) a Student is participating in a Sanctioned Activity;
   ii) a Student represents or claims to represent the University or an organization affiliated with the University; or,

   iii) the conduct has, or might reasonably be seen to have, adversely affected:

      • the operations of the University; or,

      • the reasonable participation by member(s) of the University community in the University’s living, learning or working environment(s); or,

   iv) the University has reasonable grounds to believe that the safety (physical or psychological) of a member(s) of the University
community could be at risk in the University’s living, learning or working environment(s).

The recommended revisions ensure that in appropriate circumstances the University retains jurisdiction over non-academic student conduct that takes place off University Property, while narrowing those circumstances to more clearly articulated University interests. The revision also provides an approach to jurisdiction over off-campus student conduct that is more consistent with that taken by courts and other universities.