

QUEEN'S UNIVERSITY STUDENT CODE OF CONDUCT, 2016ⁱ

I. PREAMBLE

- 1) Queen's University (the "University" or "Queen's") is dedicated to learning, intellectual inquiry, the dissemination and advancement of knowledge, personal and professional development, and good citizenship.
- 2) Students are responsible individuals and members of society with rights and responsibilities as learners and citizens in the communities in which they learn and live.
- 3) In becoming a member of the Queen's community, every Student accepts the University's policies, rules and procedures and acknowledges the right of the University to set standards of conduct, as well as the right of the University and/or its Authorized Agent(s) to impose sanctions for conduct found to have violated those standards.
- 4) Students are expected to adhere to and promote the University's core values of **honesty, trust, fairness, respect** and **personal responsibility** in all aspects of University life, academic and non-academic. It is these core values that are intended to inform and guide Student conduct as they **foster mutual respect for the dignity, property, rights and well-being of others**.
- 5) The University is committed to a developmental and educational response to student misconduct. The University is a place for Student growth and development. The non-academic misconduct system at Queen's ("NAM System") is part of that broader learning environment; the process for responding to non-academic misconduct seeks to take into account the well-being of each student and the safety and well-being of the community, and encourages informal resolution.
- 6) The principles of development, deterrence, restitution, and where appropriate, Restorative Justice, will guide decision-makers within the NAM System.
- 7) Sanctions under the NAM System are intended to be educational rather than punitive whenever appropriate.
- 8) This Student Code of Conduct ("Code") outlines the kinds of activities and behaviours that constitute non-academic Student misconduct and associated sanctions.

II. DEFINITIONS

- 1) **Authorized Agents** means an entity or organization authorized by formal written agreement with the University to administer, on behalf of the University, the non-academic misconduct cases referred to it by the NAM Intake Office.
- 2) **NAM Intake Office** means the University Office that receives and refers reports of Student non-academic misconduct in accordance with the criteria set out in this Code.
- 3) **Diversion Process** means the process by which a case of non-academic misconduct may be diverted to an alternate University process that is determined to be more appropriate to the health and wellbeing of the Student. This may involve the student-at-risk process or other similar processes that may be established by the University from time to time.
- 4) **NAM Subcommittee ("NAMSC")** means the sub-committee of the Audit and Risk Committee of the Queen's Board of Trustees, which is responsible for receiving reports about the NAM System and for recommending to the Board, via the Audit and Risk Committee, any proposed changes to this Code.
- 5) **Guest** means a person who is visiting a Student on campus; this includes Student Guests and non-

Student Guests.

- 6) **Host** means a Student who has a Guest on campus; this includes Student Guests and non-Student Guests.
- 7) **Incident Report** means the information received and compiled by the NAM Intake Office for the purposes of initial assessment and referral to the appropriate NAM Unit.
- 8) **Non-Academic Misconduct** is described below in *Section V: Types of Non-Academic Misconduct*; it is classified as either Category 1 or Category 2 by the NAM Intake Office. The Categories and the factors to be considered in are described in more detail in *Section IV: Referral and Carriage of Non-academic Misconduct Cases*.
- 9) **Non Academic Misconduct System / NAM System** means the totality of:
 - a) all NAM Units;
 - b) the NAM Intake Office;
 - c) this Code;
 - d) all procedures, guidelines and instructions concerning the administration of this Code issued by a NAM Unit; and,
 - e) the University Student Appeals Board in its capacity as the University's final internal adjudicative body for non-academic misconduct cases.
- 10) **NAM Roundtable** serves as an informal forum for those involved in the operation of the University's non-academic misconduct system.
- 11) **NAM Unit**: means each of the Student Conduct Office, Athletics and Recreation, Residences, and any Authorized Agent of the University, involved in the administration of this Code.
- 12) **Public Official** includes law enforcement officers, fire & rescue personnel, paramedics, by-law officers, and other similar municipal, provincial or federal officials, acting in their professional capacity.
- 13) **Restorative Justice** emphasizes the importance of elevating the role of victims and community members through active involvement in the misconduct process, holding Students directly accountable to the people and communities harmed by their conduct, restoring the emotional and material losses of victims, and providing a range of opportunities for dialogue, negotiation, and problem solving, whenever possible. The goal is to achieve a greater sense of community safety and social harmony for all involved, and, requires the willing participation of Students and victims together.
- 14) **Sanctioned Activity** means an activity that has been formally approved by the University (through a University administrator authorized to do so), or by one of the University's Authorized Agents.
- 15) **Student** means anyone who is registered, full-time or part-time, in an academic program, including a non-degree program, offered through the University, or anyone who was so registered when the reported misconduct was said to have occurred. It also means a person registered at another university on a letter of permission from Queen's and a person on exchange at Queen's or abroad.
- 16) **Student Conduct Office** means the University Office that handles cases of alleged Category 2 non-academic misconduct.
- 17) **Student Group** means any extracurricular organization or club that is recognized or ratified by the University or by an Authorized Agent of the University.

- 18) **University** means Queen’s University at Kingston¹
- 19) **University Property** means property owned, rented or otherwise used by the University.
- 20) **University Student Appeal Board (“USAB”)** means the University’s final internal adjudicative body.

III. 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;
- 2) This Code covers non-academic misconduct that occurs in the context of an academic program, including conduct that occurs when a Student is participating in:
 - a) any class activity, including a lecture, tutorial, lab or the like, on University Property; and,
 - b) any organized academic activity, such as a clinical placement, exchange, field placement, field trip, internship, research activities, or the like, that occurs off University Property;
- 3) Students are responsible for advising their Guests about this Code and the standards of appropriate conduct. Students are responsible for the conduct of their Guest(s), including violation(s) of this Code, if the Student encouraged the misconduct, or if the Student knew of, or could have reasonably foreseen, the misconduct and failed to take steps to discourage or prevent it, or to advise Security Services.
- 4) Students will be held individually responsible for their actions, whether acting on their own or as part of a group.
- 5) Student Groups and/or their leaders or any identifiable spokesperson for a Student Group can be held responsible, collectively and/or individually, for violations of this Code by their members or by participants in their Group’s activities, whether sanctioned or not, and whether on or off University Property, if the leaders gave encouragement or consent for the misconduct, or if they knew of, or could have reasonably foreseen, the misconduct and failed to take steps to discourage or prevent it, or to advise Security Services.
- 6) Nothing in this Code replaces or supersedes any complaint, grievance or appeal process set out in any collective agreement to which the University is a party. However, Student misconduct that occurs while a Student is acting in their capacity as an employee of the University may, in addition to any employment-related discipline process, be addressed as non-academic misconduct under this Code

¹ “Queen’s University at Kingston” is the formal legal name of the institution; it does not refer to any geographical boundary.

where the NAM Intake Office determines that a non-employment University interest is also involved.

- 7) Student conduct that falls outside the scope of this Code, and which will be addressed by other University policies and procedures includes:
 - a) an alleged departure from academic integrity;
 - b) an alleged departure from research integrity; and,
 - c) incidents of workplace violence or harassment.
- 8) In circumstances where alleged conduct would constitute a violation of more than one policy applicable to Student conduct, the NAM Intake Office will determine the most appropriate procedure to be followed to ensure an efficient and streamlined process.
- 9) Nothing in this Code prohibits Student participation in lawful and peaceful public assemblies and demonstrations, nor inhibits Students' freedom of expression. This does not, however, relieve a Student who is also an employee of the University of employment-related obligations in this regard.
- 10) Procedures under this Code may be undertaken before, at the same time as, or after, civil, criminal, or employment-related proceedings; but, if a report of misconduct has also resulted in civil, criminal, or employment-related proceedings against a Student, the NAM Intake Office will determine whether the case under this Code should be deferred until the conclusion, or partial conclusion, of such other proceedings.
- 11) The University retains discretion to impose temporary/interim terms, conditions and/or restrictions that are appropriate in the circumstances (e.g.: interim suspension of the Student, full or partial Notice of Prohibition, etc.) in the interest of a safe campus environment.

IV. INTAKE AND REFERRAL OF NON-ACADEMIC MISCONDUCT CASES

- 1) The NAM Intake Office will manage initial intake and referral of all non-academic misconduct cases, with the following limited exceptions:
 - a) **Athletics & Recreation Cases:** A report of non-academic misconduct by a Student-Athlete or an Intramural Sport Program Participant in a sport-related context will be dealt with by the Athletics & Recreation Department under the *Athletics & Recreation Discipline Policy*. If it appears that a matter involves a "Major Infraction" or a "Repeat Infraction", as those terms are defined by the *Athletics & Recreation Discipline Policy*, the Athletics & Recreation Department must submit the matter to the NAM Intake Office for assessment and referral.
 - b) **Residence Cases:** A report of non-academic misconduct that occurs in University residences or that is otherwise subject to *Residence Rules & Regulations* ("*ResRules*") will be dealt with under the Residence conduct system, with the exception of a report that alleges "Level Three" misconduct, as that term is defined in the *ResRules*. Such cases must be submitted to the NAM Intake Office for assessment and referral.
- 2) Non-academic misconduct falls into two general categories: Category 1 and Category 2. While Category 2 is generally considered to encompass relatively more grievous types of misconduct than Category 1, the demarcation between these Categories is not absolute.
- 3) The NAM Intake Office will first determine whether it is appropriate to refer a case to a Diversion Process.
- 4) If the NAM Intake Office does not refer a case to a Diversion Process, it will determine the Category of the case, and thus the most appropriate NAM Unit to have carriage of that case, guided by various

factors, including:

- a) whether the alleged misconduct jeopardized, or to a reasonable person potentially jeopardized, the health or safety of an individual. In this context, “jeopardize” includes physical, emotional or psychological impacts;
 - b) whether the alleged misconduct constitutes a violation of Municipal, Provincial or Federal law or involves interfering with, obstructing, disrupting, misleading, or failing to comply with the directions of, a Public Official;
 - c) the gravity of the consequences/harm alleged. This includes a consideration of whether the alleged misconduct resulted in the dispatch of University or public emergency services;
 - d) prior findings of misconduct of the same or similar nature; and,
 - e) the complexity of the fact situation; and,
 - f) the presence of mitigating or aggravating factors identified in the Incident Report.
- 5) Every NAM Unit receiving a referral from the NAM Intake Office will assign that case to a case manager (“Case Manager”)
 - 6) Decisions of the NAM Intake Office are not subject to appeal. But if, upon receipt of a case from the NAM Intake Office, a Case Manager determines the case ought to have been referred elsewhere, the Unit may request that the NAM Intake Office re-direct the case accordingly.
 - 7) NAM cases, if not informally resolved pursuant to an applicable procedure, shall be dealt with by the adjudicative body of the NAM Unit to which the case was referred.
 - 8) A Student against whom a NAM case is pending or against whom a sanction is outstanding may not voluntarily withdraw from the University. Similarly, the University will not issue Official Transcripts to the Student directly; transcripts will be sent to specified recipients at the Student’s request. If the sanction *Required to Withdraw* is subsequently imposed, previous recipient(s) will be sent an updated Official Transcript after any available appeal process has been exhausted or the time for appealing has expired.

V. TYPES OF NON-ACADEMIC MISCONDUCT

- 1) Non-academic misconduct can take the form of a single act, repeated acts, or, be part of a pattern of behaviour that taken in its entirety constitutes a violation of this Code.
- 2) Respondents are encouraged to seek advice from the Office of the Ombudsman in all matters related to non-academic misconduct, and may be accompanied by the Ombudsman or other advisor to any meeting or proceeding related to non-academic misconduct.
- 3) The various types of non-academic misconduct are described below, but the examples contained under each class are not intended to be exhaustive.
- 4) Cases described as **PRESUMPTIVELY CATEGORY 2 NON-ACADEMIC MISCONDUCT** must be referred by the NAM Intake Office to the Student Conduct Office, *unless the NAM Intake Office determines that it is more appropriate to refer the case to a different NAM Unit, based on the criteria listed in Paragraph 4 of Section IV.*

A. ABUSE OF PROCESS

ALL ABUSE OF PROCESS CASES ARE PRESUMPTIVELY CATEGORY 2 NON-ACADEMIC MISCONDUCT

- a) Failure to comply with a process or requirement under this Code or a Procedure under this Code.

- b) Failure to comply with a non-academic misconduct sanction.
- c) Knowingly making false report of misconduct against any member of the University community or assisting another person in making or pursuing same.
- d) Interference with the administration of this Code, such as:
 - i) a misrepresentation or false statement during an investigation or proceeding;
 - ii) trying to discourage any individual's proper participation in, or use of, a misconduct process;
 - iii) any retaliation (*e.g.* through coercion, intimidation, threats or social pressure) against a complainant, a person who reports misconduct, or a potential witness in a misconduct case;
 - iv) disrupting, or otherwise interfering with, the orderly conduct of a misconduct proceeding;
 - v) electronically or digitally recording, in any format, a misconduct proceeding without the express permission of the Chair of the proceeding; or,
 - vi) harassing (physically, verbally, or in writing), intimidating or attempting to influence, the impartiality of any individual in a decision-making role in a misconduct process.

B. AIDING IN THE COMMISSION OF AN OFFENCE

- a) Encouraging or aiding others, by words or by action, to engage in the commission of an act that is in violation of this Code, a University policy, rule or procedure, or, a Municipal, Provincial or Federal law.

C. ALCOHOL AND DRUG USE

CASES UNDER C (e) and (f) ARE PRESUMPTIVELY CATEGORY 2 NON-ACADEMIC MISCONDUCT

- a) Possession or consumption of alcoholic beverages on University Property, except when properly in attendance at a licensed campus pub or event, or as permitted under the Residence Contract or the University Alcohol Policy.
- b) Possession of narcotics or controlled substances, excluding medication prescribed to the Student.
- c) Contravention of provincial liquor laws or violation of University policies governing the possession, distribution or consumption of alcoholic beverages on University Property.
- d) Violation of a University policy, rule, or procedure or a Municipal, Provincial or Federal law, that arises from, or that is related to, the consumption of alcohol or of a controlled substance. This is distinct from, and is considered to be non-academic misconduct *in addition to*, prohibited consumption of alcohol or controlled drugs/substances.
- e) Furnishing alcohol to any person who is under the age of majority.
- f) Possession of any narcotic or controlled substance, including medication prescribed to the Student, for other than personal use, which includes administering, delivering, giving, selling, sending, transferring or transporting a narcotic or controlled substance, or attempting to do any of these things.

D. CONTRAVENTION OF POLICY

- a) Violation of a University policy, rule, or procedure published or posted by the University.
- b) Violation of a policy, rule or procedure published by an Authorized Agent of the University.

E. DISRUPTION OR INTERFERENCE

- a) Disruption or obstruction by action, threat or otherwise, of any University event or any Sanctioned

Activity, including teaching, learning, research, administration, events, and, any conduct that disrupts the normal operations of the University or that infringes on the rights of another member of the University community.

- b) Interfering with, obstructing, disrupting, misleading, or failing to comply with the directions of, any University official or any official of an Authorized Agent of the University, who is acting within the scope of their duties.

F. IMPROPER USE OF DANGEROUS OBJECTS AND SUBSTANCES –

ALL CASES OF IMPROPER USE OF DANGEROUS OBJECTS AND SUBSTANCES ARE PRESUMPTIVELY CATEGORY 2 NON-ACADEMIC MISCONDUCT

- a) Possession or use of any weapon (as outlined in the *Queen's University Weapons Policy*), explosive, chemical, biohazardous, radioactive or controlled material, or the like, except by authorized personnel and in an area formally designated for that purpose.

G. MISCONDUCT AGAINST PERSONS AND DANGEROUS ACTIVITY

CASES UNDER G (g) and (h) ARE PRESUMPTIVELY CATEGORY 2 NON-ACADEMIC MISCONDUCT

- a) Assault.
- b) Harassment or Discrimination.
- c) Physical, verbal or written abuse.
- d) Threatening behaviour, whether physical, verbal or written.
- e) Coercion or intimidation.
- f) Use by an individual or group of information or other communication technology that is, or that should reasonably be known to be, harassing, hostile, intimidating or threatening, or that deliberately seeks to control, manipulate, falsely discredit or otherwise harm another individual (*e.g. cyberbullying, cyberstalking, internet trolling, etc.*).
- g) Sexual Violence.
- h) Hazing. Hazing activities include, but are not limited to, pranks, jokes, public ridicule, and any activity that does not respect an individual's rights, integrity, dignity, safety or well-being. Hazing includes conduct that is, or ought to be reasonably known to be:
 - i) abusive (physically or psychologically);
 - ii) demeaning;
 - iii) dangerous;
 - iv) humiliating;
 - v) ridiculing; or,
 - vi) contrary to this Code, to a University policy, rule or procedure, or to Municipal, Provincial or Federal law;

that is used as a means of coercing, compelling, forcing, or otherwise socially pressuring, a person to gain or maintain: (i) membership in; (ii) the acceptance of; or, (iii) association with; any group or organization.

Express or implied consent from, or the acquiescence of, the affected person(s) shall not be an excuse or defense for such behaviour.

H. MISCONDUCT INVOLVING PROPERTY***CASES UNDER H (e) (f) and (g) ARE PRESUMPTIVELY CATEGORY 2 NON-ACADEMIC MISCONDUCT***

- a) Misappropriation, damage, unauthorized possession, defacement, vandalism or destruction of University Property.
- b) Theft or possession of property belonging to any person or entity without the permission of the rightful owner, including in circumstance where there was an intent to return the property.
- c) Use of University facilities, equipment, supplies or resources contrary to express instruction or without proper authorization, or misuse or abuse of same.
- d) Abuse or misuse of University documents, including without limitation identification cards, credit cards, meal cards, smart cards, or telephone calling cards, or, misuse of fees collected and distributed by the University to any Student group, either directly or indirectly (*e.g.* through the Alma Mater Society).
- e) Altering or misuse of official University documents.
- f) Interference with, obstruction of, or tampering with life safety or emergency equipment.
- g) Setting unauthorized fires.

I. MISREPRESENTATION OR FALSE INFORMATION

- a) Furnishing false information to a University official or to an official of an Authorized Agent of the University.
- b) Possessing, distributing or using false or altered identification/credentials.

J. MISUSE OF UNIVERSITY INFORMATION TECHNOLOGY***ALL CASES OF MISUSE OF UNIVERSITY INFORMATION TECHNOLOGY ARE PRESUMPTIVELY CATEGORY 2 NON-ACADEMIC MISCONDUCT***

- a) Altering or removing University computer files or software without proper authorization.
- b) Intentionally jeopardizing the confidentiality, integrity and availability of electronically maintained Queen's University information or data.
- c) Using Queen's Information Technology resources to do anything that is a violation of the rights of others, such as displaying or distributing obscene, harassing, defamatory, or discriminatory material or messages.
- d) Using Queen's Information Technology resources for any illegal activities or purposes.

K. UNAUTHORIZED ENTRY AND/OR PRESENCE***CASES UNDER K (d) ARE PRESUMPTIVELY CATEGORY 2 NON-ACADEMIC MISCONDUCT***

- a) Unauthorized entry, attempted entry or presence in or on any University Property;
- b) Unauthorized entry, attempted entry or presence at any Sanctioned Activity.
- c) Refusing to leave University Property when instructed to do so by a University official, or by an official of an Authorized Agent of the University, acting within the scope of their duties.
- d) Knowingly inviting or admitting into or on University Property, a person to whom a Notice of Prohibition has been issued.

VI. SANCTIONS

- 1) The primary approach of NAM sanctions is to be educational. In addition, the principles of restitution, deterrence, and where appropriate, Restorative Justice, will guide decision-makers within the NAM System.
- 2) More than one sanction may be applied for any violation of this Code.
- 3) Repeated or multiple breaches of the Code will normally result in progressively more severe sanctions.
- 4) In addition to the sanctions described in 7 and 8 below, sanctions delineated in the *ResRules* and the *Athletics and Recreation Discipline Policy* will be available in cases arising from those Units of the NAM System, but which have been referred by the NAM Intake Office to the Student Conduct Office.
- 5) Sanctions will be appropriate to the conduct involved in each case.
- 6) Every NAM decision imposing a sanction(s) must describe any mitigating and/or aggravating factors that were considered by the decision-maker.
- 7) Sanctions that may be applied by any Unit in the University NAM System include, but are not limited to:
 - a) **Written warning or reprimand** – A notice given to a Student indicating the details of the Code violation(s) and including a direction that the conduct cease and not be repeated. This notice must include a statement regarding the possibility of progressively more severe sanctions being applied in the event of future misconduct.
 - b) **Letter of behavioural expectation** – A letter to be signed by the Student that includes an undertaking not to engage in certain behaviour and which sets out the range of possible consequences if the stated behavioural expectations are not met.
 - c) **Educational assignments** – A requirement to complete specific educational activities, which may include participation in, and completion of, an educational program (webinar, on-line program, in-person workshop etc.) or a written assignment or an educational meeting with a University or Public Official.
 - d) **Apology** – A written or oral apology to be delivered to a specified party/parties within a specified timeframe.
 - e) **University or Community Service** – Service to the community or to the University, with type of service, location (as applicable) and timeframe to be specified.
 - f) **Restitution** – A monetary compensation for loss, damage or injury, or replacement of damaged or destroyed property.
 - g) **Monetary fine** – An amount and timeline for payment must be specified.
 - h) **Behavioural bond** – The Student is required to commit a specified sum of money for a defined period of time, and the Student is required to sign and abide by a letter of behavioural expectations. If, at the end of the time period, the Student has not breached the terms of the letter, the bond will be vacated. A breach of the behavioural expectations may result in additional sanctions.
 - i) **Loss of privilege** – The loss of specified privileges, indefinitely or for a specified period of time.
 - j) **No Contact** – A requirement that a Student have no direct or indirect contact (including, but not limited to in-person, phone, text, email, social media, through a third party etc.) with a specified

individual, individuals or group, as outlined in a letter of behavioural expectations.

- 8) The following sanctions may be imposed only by an authorized Queen's administrator:
 - a) **Notice of Prohibition** from campus, in part(s) or in its entirety.
 - b) **Requirement to Withdraw**², only available in cases of Category 2 non-academic misconduct.

VII. APPEALS

- 1) A party to a NAM proceeding may appeal to the USAB, to challenge a decision of the adjudicative body of the NAM Unit to which the case was referred, on any ground(s) permitted by the [Policy on Student Appeals, Rights and Discipline](#).
- 2) Except as altered by the *Interim Procedure under the Queen's University Student Code of Conduct, 2016*, appeal procedures are governed by the *Policy on Student Appeals, Rights and Discipline*.

VIII. RECORDS MANAGEMENT AND INFORMATION MANAGEMENT

- 1) The NAM Intake Office will maintain a secure database, containing a record of all incidents of non-academic misconduct³, which will include:
 - a) the Incident Report;
 - b) identification of the NAM Unit to which the case was referred;
 - c) the case report from the NAM Unit;
 - d) the decision; and,
 - e) a final report, if applicable.
- 2) Every Case Manager will submit an electronic case report to the NAM Intake Office within 7 days of the date on which the responsible NAM Unit's decision was issued. The case report must: (i) include a summary of the case; (ii) state the finding(s); list the sanction(s) imposed, if any; (iii) state the timeframe within which any Sanction(s) must be completed; and (iv) append a copy of the decision.
 - a. In cases where there is no finding of non-academic misconduct, the case report will also confirm that the case has been closed. There cannot be any reliance on, or reference to, the matter in any subsequent NAM case.
 - b. In cases where an informal resolution is reached, the case report will also summarize the requirements, if any, of the informal resolution.
- 3) In cases where an informal resolution is reached, and the Student has met all of the requirements of the informal resolution, if any, the Case Manager will submit a final report to the NAM Intake Office within 7 days after the completion of the requirements. The final report will confirm the informal resolution, the completion of any requirements, and will state that the case has been closed.
- 4) In cases where a finding of non-academic misconduct has been made and no appeal of the decision has been filed within the required timeframe, then:
 - a) **if the Student has completed all Sanctions(s) within the stipulated timeframe**, the responsible Case Manager will submit a final report to the NAM Intake Office within 7 days after the

² See the [Policy on Transcript Terminology for Students Withdrawing from Queen's University](#).

³ This includes all NAM cases, including those arising under the Athletics & Recreation and Residence NAM Systems that are not referred to the NAM Intake Office.

completion of Sanction(s), which will confirm the completion and which will state that the case has been closed; or,

- b) **if the Student has not completed all Sanctions(s) within the stipulated timeframe** the Case Manager will determine, after consultation with the student about the reasons for the failure, if, given more time, the student is likely to complete the sanctions(s). If the Case Manager determines that this is not likely, then the Case Manager will file a final report with the NAM Intake Office noting the Sanction(s) the Student failed to complete. The NAM Intake Office will refer the matter as appropriate, according to applicable procedure.
- 5) All case records will be maintained by the NAM Intake Office for a minimum period of 7 years following the date of decision in the case, but it is within the discretion of the NAM Intake Office to maintain a specific case file for a longer period.
 - 6) Annual statistics on the NAM System, including a summary of the reported misconduct, the findings and any Sanction(s), will be reported annually by the NAM Intake Office to the Audit and Risk Committee of the Board of Trustees in an anonymized format and will be posted on the appropriate University webpage.
 - 7) All case records must be maintained, and destroyed, according to guidance from the Chief Privacy Officer, in compliance with the Ontario *Freedom of Information and Protection of Privacy Act*.

IX. TRANSITIONAL PROVISIONS

- 1) The effective date of this Code is the date on which it receives approval of the University's Board of Trustees.
- 2) Between the effective date and August 31, 2016:
 - a) each unit or entity involved in the administration of the Code under *Interim Procedure under the Queen's University Student Code of Conduct, 2016*, will develop, and/or review and revise, its forms, guidelines, policies, procedures and the like, to be consistent with this Code. Such revised forms, guidelines, policies and procedures, and all subsequent amendments thereto, shall be subject to approval by the Vice-Principal's Operations Committee before they become effective;
 - b) the Office of the Provost will negotiate Agency Agreements with each organization seeking to be recognized as an Authorized Agent for the purposes of this Code;
- 3) After August 31, 2016 the Student Conduct Office, Athletics and Recreation, Residences, and any Authorized Agent of the University shall be the only entities authorized to receive case referrals of non-academic misconduct from the NAM Intake Office; and,
- 4) The *Interim Procedure under the Queen's University Student Code of Conduct, 2016*, as amended by Paragraph IX. 3 above, shall guide the implementation and administration of this Code until such time as *Procedures under the Queen's University Student Code of Conduct, 2016* have been finalized and approved by the Vice-Principal's Operations Committee and the [Policy on Student Appeals, Rights and Discipline](#) has been amended and approved by the Senate and the Board, which shall be no later than December 31, 2016.

X. RELATED POLICIES:

- 1) There are several University policies, rules and procedures that normally act independently of one another. However, in circumstances where the alleged Code violation is reported to the NAM Intake Office, the sanctions in other relevant policies or procedures will be available to the decision-maker.

- 2) These policies, rules and procedures may include, but are not limited to the following:
 - a) [Acceptable Use of Information Technology Policy](#)
 - b) [Code of Behaviour for Library Users](#)
 - c) [Core Tenant Handbook](#) for University-Owned Rentals
 - d) [Harassment and Discrimination Policy](#)
 - e) [Queen’s University Weapons Policy](#)
 - f) [Sexual Violence Policy](#)
 - g) Professional behaviour offences under professional programs. Nothing in this Code prohibits or prevents any Faculty, School or Department from enforcing its professional standards or professional codes of conduct in addition to any steps taken pursuant to this Code.
- 3) The University also has existing behavioural expectations for specific Student populations:
 - a) Athletics and Recreation’s [Guidelines of Behaviour for Student-Athletes](#)
 - b) [Summary of Infractions](#) for Student Athletes
 - c) Athletics and Recreation [Discipline Policy](#)
 - d) [ResRules](#) for Students living in residences
- 4) Student governments have policies and bylaws that relate to their members:
 - a) The [Constitution](#) of the Alma Mater Society of Queen’s University
 - b) AMS [Policy Manuals](#)
 - c) SGPS [Bylaws and Policies](#)
 - d) [Constitution](#) of the Residence Society
 - e) [Bylaws](#) of the Residence Society (Feb, 11th, 2016)
 - f) [Secondary Residence Society Policies](#)

ENDNOTE

AUTHORITY

The Queen’s University Board of Trustees (“Board”) is vested with the authority over student non-academic misconduct (“NAM”) by Royal Charter of Queen Victoria dated October 16, 1841, as amended.

By Resolution dated May 6, 2016, the Board:

- a) vested responsibility for the management of the Queen’s NAM System in the senior administration of the University;
- b) approved this *Student Code of Conduct, 2016*
- c) directed the creation of the NAM Intake Office;
- d) directed the creation of the Student Conduct Office, which will function as part of the Office of the Vice-Provost and Dean of Student Affairs within the portfolio of the Provost and Vice-Principal (Academic);
- e) conferred on the Office of the Provost and Vice-Principal (Academic) the authority to delegate, by contract, certain powers over student non-academic misconduct to Authorized Agents of the University;

- and,
- f) directed the creation of the Non-Academic Misconduct Sub-Committee (the “NAM Sub- Committee”), being a sub-committee of the Audit and Risk Committee of the Board, as defined in this Code.