

Draft Student Code of Conduct

Preface

Queen's students¹ are members of the University community. The academic and social privileges associated with student membership at Queen's University are conditional upon the fulfillment of the responsibilities such membership entails. Students have a duty to familiarize themselves with the rules and regulations of the University that determine what these responsibilities are. In addition, students are also members of the surrounding community, and retain all the rights and responsibilities given members of the public.

Queen's University prides itself on fostering within its students excellence in both academic education and good citizenship. Queen's strives to protect students by ensuring they may live, work, and study in a safe and civil environment, to the extent that this is within the University's control. In furtherance of these goals, Queen's University has developed the following Student Code of Conduct to describe the standard of behaviour to which its students will be held. Contravention of the rules published here or of any other applicable University policy by a Queen's student may lead to disciplinary consequences up to and including a requirement to withdraw or, where a student has graduated before disciplinary proceedings began, the rescinding of a degree.

This Code applies to all conduct by a student that has a rational and substantive connection to the University, University activities, the University community, or University-related functions, whether or not the conduct occurred on University property. Whether any conduct has a rational and substantive connection 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.

Being a member of the Queen's community does not carry any special privilege before civil or criminal codes regulating the behaviour of local residents. 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. As such, students may be subject to adverse consequences for misconduct both under the University's discipline system and under the criminal law concurrently.

¹ A definition is required for "Queen's student" in general and to capture situations where a student may not currently be enrolled. For example, although a Queen's student in between his or her school years is not registered officially, the Student Code of Conduct should establish jurisdiction to address incidents that might occur outside an academic term such as offences relating to post-exam parties. Also, a student who has received a letter of permission to study at a university with which Queen's does not have an exchange agreement is not registered officially (even though, in this scenario, the student may still be viewed as representing Queen's).

Nothing in this Code is intended to prohibit student academic freedom, freedom of conscience and religion, peaceful assemblies, lawful demonstrations and picketing, or to inhibit free speech.

Rules

1. Students shall abide by the published rules, regulations, and policies of the University or of any authorized rule making body within the University. This includes, but is not limited to, the *Queen's Harassment/Discrimination Policy and Procedure*, those listed in the *Community Standards in Residence Handbook*, and this *Code of Conduct*.
2. Students shall abide by the provisions of the Criminal Code of Canada while in Canada. If outside of Canada, students shall abide by the statutory equivalent of that country. Students shall also abide by all the other laws of the land, including but not limited to those regulating the possession, sale, or consumption of alcoholic beverages and contraband substances. The University shall only pursue disciplinary action if the conduct occurred either on campus, or if the conduct occurred off-campus and had a rational and substantive connection to the mission, administration, or reputation of the University.
3. Students shall comply, and shall not interfere, with the directions of officials acting within the scope of their authority, including, but not limited to, the Kingston Police, Queen's Campus Security, Queen's Student Constables and Science Constables.
4. Students shall comply with the terms of any disciplinary sanction imposed in accordance with the Code or other applicable University policy.
5. Students shall not intentionally furnish false information to the University or any University official or judicial body authorized by the University, nor forge or intentionally possess any forged, altered, or falsified instrument of identification.
6. Students shall not interfere, directly, indirectly, or by threat, with the communication or pursuit of a complaint under the Code.
7. Students shall refrain from theft, knowingly possessing stolen property, trespassing, vandalism, and willfully or negligently damaging private or University property. Likewise, students shall refrain from any other unauthorized conduct likely to limit the lawful rights of others to possess, use, or enjoy private or University property.
8. Students shall respect the freedom of individuals to study, teach, work, research and socialize without fear of harassment, intimidation, discrimination or assault and shall refrain from conduct that threatens or attempts to limit these freedoms or any other freedoms guaranteed by law.

9. Students shall refrain from engaging in disorderly or disruptive conduct that interferes with the lawful activity of others, including but not limited to, studying, teaching, research, and University administration.
10. Students shall strive to uphold the reputation of Queen's University by upholding the principles of academic integrity, including, but not limited to, refraining from plagiarism, insufficient recognition of others' work and cheating or knowingly facilitating the plagiarism or cheating of others.
11. Students shall, as soon as it is reasonably possible, report misconduct (behaviour in contravention of rules 1 through 10, inclusive) to the appropriate authority or remove themselves from situations where misconduct is occurring.

Violation of the aforementioned rules is an offence under the Code, subject to disciplinary sanction.

Considerations

- For greater certainty, terms used in this document have the same meaning as when used in the *Queen's University Senate Policy on Student Appeals, Rights & Discipline*, unless explicitly stated otherwise.
- The above rules apply with equal force to individual students and student groups or organizations. Where an organization is the subject of a complaint, the registered officers of the organization may be held accountable.
- While neither the University nor any authorized University judicial official shall pursue a charge if the same complaint has already been handled by another University authority, the University reserves the right to proceed with a complaint concurrently where external remedies (e.g., criminal charges or civil suits) related to the same conduct have been sought or finalized.
- Being under the influence of alcohol and/or other substances does not diminish or excuse a violation of the Student Code of Conduct.
- Misconduct under the Code will be deemed "aggravated" if it resulted or foreseeably could have resulted in significant damage to persons or property or which otherwise posed a substantial threat to the stability and continuance of normal university or university-sponsored activities. Repeated violations of any section of the Code may be deemed "aggravated." Aggravated violations will be subject to harsher penalties than the misconduct itself otherwise may have warranted.
- When disciplinary proceedings have been initiated against a student, that student may not be entitled to graduate pending the outcome of proceedings. In such a

case the University retains jurisdiction until a final determination is made regarding the matter.

Sanctions

Principles

More than one sanction may be ordered for any violation of the Code. The sanctions to be imposed should be commensurate with the offending conduct. Therefore, wherever appropriate, the University encourages fashioning sanctions to include educational and restorative principles. Although it is inappropriate for the University to change a student's convictions, it is appropriate for the University to ask a student to alter behaviour that contravenes the Student Code and that negatively affects others.

Factors that may be considered in determining the nature of sanctions to be imposed for Code violation include the intent of the respondent, the effect of the conduct on the victim and the community, presence or absence of past violations of the standards on the part of the student, and the appropriateness of sanctions such as community service.

Regrettably, some conduct is so harmful to members of the community or deleterious to the educational process that more severe sanctions may be required. Severe sanctions should be imposed only when a lesser sanction would not adequately address the severity of the conduct in the context in which it occurred. Ordinarily, no sanction shall be put into effect until the student has either exhausted all channels of appeal or has allowed the time for appeal to lapse.

Range of Sanctions

1. Notice

A written notice delivered to the student that the student has violated the Code.

2. Behavioural Mandate

Letter of Apology - An order that the student make written apology to a specified aggrieved party by a designated date.

Counseling/Educational Sanction - An order that the student attend counseling or classes that relate to the commission of the offence in order to prevent future misconduct. Such order should specify the latest date at which counseling or educational sessions are to commence.

Community Service - An order that the student perform a specified number of hours of community service by a designated date. The order may specify the type of service or the location where it should be performed.

3. Behavioural Restriction

Loss of Privileges - An order that the student be denied specified University privileges for a designated period of time.

Notice of Prohibition - An order that the student not be physically present at University events or on University property or any specified part thereof for a designated period of time.

4. Monetary Penalty

Restitution - An order that the student pay monetary compensation for loss, damage, or injury to any aggrieved party by a designated date.

Bond - An order that the student pay a specified amount to an authorized official to be held and returned to the student upon completion of the terms of the bond. If additional violations of the Student Code of Conduct occur during the period specified in the terms of the bond, the student will forfeit the sum specified in the bond.

Fine - An order that the student pay by a designated date a specified amount to an authorized official.

5. Sanction with Academic Consequences²

Notation on Transcript - An order for the notation on a student's transcript for a specified period of time that the student committed an offence under the Queen's Student Code of Conduct.³

Requirement to Withdraw - An order that the student be withdrawn from the University for a specified period of time before being permitted to re-enroll in classes. Credits earned at another institution during this period may not be recognized by Queen's. The student's transcript will bear a notation that the student was required to withdraw for a violation under the Student Code of Conduct.

² 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. The AMS and the SGPS judicial committees may recommend to the appropriate Senate committee (i.e. the University Student Appeal Board if the decision is appealed, or the Senate Committee on Non-Academic Discipline (SONAD) if the decision is not appealed) that a student be required to withdraw from the University. However, no existing University policy contemplates placing a notation on a student's transcript for non-academic discipline and consequently this option remains outside the jurisdiction of the AMS or the SGPS. Expanding the jurisdiction to include a recommendation that a notation be placed on a student's transcript following a finding of a violation of the Student Code of Conduct would require an amendment to SARD. The procedure regarding a recommendation that a transcript notation be made would follow that used when considering a recommendation that a student be required to withdraw (see *Senate Policy on Student Appeals, Rights and Discipline (SARD)* (http://www.queensu.ca/secretariat/senate/policies/SARD_Policy.pdf) at s.9).

³ Currently a notation to a student's transcript is permissible only in the event that a student is required to withdraw. It is necessary to amend *The Senate Policy on Transcript Terminology for Students Withdrawing from Queen's University* to allow an order for notation on a student's transcript regarding non-academic discipline. <http://www.queensu.ca/secretariat/senate/policies/transcrp.html>.

Rescinding of Degree - An order for the notation on a student's transcript indicating his or her degree has been rescinded for academic misconduct or fraud.⁴

Immediate Effect of Orders to Protect Safety

Queen's University retains the power to exercise emergency powers when necessary. The Vice-Principal (Academic), or such other officials as he/she may designate from time to time, may exercise emergency powers including the issuance of a Notice of Prohibition to bar a student from entering some or all of Queen's University pending the outcome of a proceeding, if satisfied that the interests or safety of other students 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.

The exercise of emergency powers, including the issuance of a Notice of Prohibition, takes effect immediately and is not suspended pending a hearing.⁵

Student Procedural Rights and Appeals

Where Senate is confident that an appropriate judicial mechanism is established by the AMS or the SGPS, then the respective student government shall have initial authority under Senate Function 11⁶ to address non-academic discipline for its students.

All hearings conducted on behalf of the University must contain the following components of procedural fairness:

- A. Participatory Rights: "hear the other side." The decision-maker must give a party an opportunity to present his or her case and respond to evidence and arguments.
- B. Rule against bias: "no one shall be a judge in his or her own cause." This is the right to a neutral decision-maker.

⁴ Senate Policy on Rescinding Degrees, <http://www.queensu.ca/secretariat/senate/policies/rescind.html>.

⁵ See *Senate Policy on Student Appeals, Rights and Discipline (SARD)* (http://www.queensu.ca/secretariat/senate/policies/SARD_Policy.pdf) at subs. 36(c) regarding the procedure that applies should a student who is subject to the exercise of emergency powers choose to appeal the decision. (Note: this section in the draft Student Code refers specifically to the V-P (Academic) or delegate as the decision-maker in relation to the exercise of emergency powers whereas SARD refers more generally to University Administration. An amendment to SARD would be required if the language in this section of the draft Student Code were accepted.)

⁶ "To have responsibility for the well-being of students and to have final responsibility for their discipline including the power to dismiss students for cause. The Alma Mater Society of Queen's University and the Society of Graduate and Professional Students share responsibility for, and have the right to promote, the well-being of their members. In the discharge of its disciplinary power, the Senate shall have regard to the initial responsibility of the Alma Mater Society of Queen's University and the Society of Graduate and Professional Students for the discipline of students in non-academic matters; the Senate may review the decisions of the Alma Mater Society of Queen's University and the Society of Graduate and Professional Students with respect to the discipline of students, and may take such action as it deems appropriate."

The following participatory rights shall be observed in all tribunal proceedings:

- Right to the notice of the hearing
- Right to the discovery of evidence and information
- Right to know the nature of the hearing in advance of the proceedings: A student shall be informed whether the hearing will be by way of written submission, oral presentation, or both.
- Right to representation (limitations may apply to the type of representation allowed or the role the representative may assume in a particular type of proceeding; please refer to the policy applicable to the circumstances, e.g., the *Community Standards in Residence* handbook⁷)
- Right to an interpreter
- Right to present evidence and arguments
- Right to request an adjournment. A student appearing before a tribunal has the right to request an adjournment when due to extenuating circumstances he/she was unable to prepare for the hearing and/or was unable to obtain the assistance of a University Grievance Advisor or other representation.
- Right to have a matter decided based on the evidence/arguments presented at hearing
- Right to reasons for the decision.

The extent to which these procedures are observed should depend on the interests at stake in the hearing. Procedures for handling serious offenses which carry the penalty of sanctions that may have an adverse affect on a student's academic career or on their ability to participate in the Queen's community should be taken extremely seriously. Every effort should be made to ensure the participatory rights of affected individuals are upheld. For more information, please see the Senate policy *Non-Academic Discipline at Queen's*.⁸

Where the student believes that the decision reached by the decision maker is unreasonable, or contrary to University policy or the principles of fairness, or that the process followed was contrary to the procedures established by the decision-maker, he or she may appeal the case to the appropriate University authority, generally the University Student Appeal Board (USAB).

⁷ <https://housing.queensu.ca/residence/lir/32005.asp>.

⁸ <http://www.queensu.ca/secretariat/senate/policies/nonacad.html>.