



# Queens University Student Code of Conduct

Effective Date: September 1, 2021



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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. This Code of Conduct sets expectations of student behaviour. Students are expected to adhere to and promote the University's core values of **respect, honesty, trust, fairness, 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 **to foster mutual respect for the dignity, property, rights and well-being of others**. In addition, diversity and inclusion are core values for the Queen's community, where we want a welcoming environment in which everyone feels they can participate in all that the University has to offer.
4. General attitudes, values, and stereotypical beliefs, such as ageism, racism, sexism, etc. are offensive and they often create the conditions for harassment or discrimination to occur. While attitudes, values, and stereotypical beliefs may not always lead to harassing or discriminatory conduct, the University community must make efforts to create dialogue opportunities for education.
5. The University will not tolerate conduct that is harassing or discriminatory; this includes conduct that infringes others' rights based on the Human Rights Code protected grounds of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, marital status, family status or disability. Also, the University will not tolerate retaliation against anyone who brings forward a complaint about such conduct.
- 6.

1. Upon registering in a course or program of study offered by or through Queen's University and while a Student remains registered in any course or program of study at Queen's, every Student enters into a contractual relationship with the University by which they:
  - a) acknowledge the right of the University to set standards of conduct;
  - b)

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. **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 a Student. This may involve the student-at-risk process or other similar processes that may be established by the University from time to time.
3. **Guest** means a person who is visiting a Student on campus; this includes student Guests and non-student Guests.
4. **Host** means a Student who hosts a Guest, while the Student is a participant in any course or program of study at Queen's, on campus; this includes student Guests and non-student Guests.
5. **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.
6. **Non-Academic Misconduct (NAM)**

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

a) on University Property;

b) on 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 (a) was originated, or

• the operations of the University; or,

• the reasonable participation by members of the University.





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 *Athletic & Recreation Non-Academic Misconduct Policy*. If it appears that a matter involves a “Major Infraction” or a “Repeat Infraction”, as those terms are defined by the *Athletic & Recreation Non-Academic Misconduct Policy*, the Athletics & Recreation Department must submit the matter to the NAM Intake Office for assessment and referral; and,
  - b) **Residence Cases:** A report of non-academic misconduct that occurs in University residences or that is otherwise subject to *Residence Community Standards* will be dealt with under the Residence conduct system, except for a report that alleges misconduct which is presumptively a Category 2 under this Code. 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 whether the alleged conduct falls within the SCOPE of this Code. If so, the NAM Intake Office will then 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

- e) prior findings of misconduct of the same or similar nature; and,
- f) the complexity of the fact situation; and,
- g) 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 NAM Unit 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 handling the case.
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## 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 clarification from the Office of the Ombudsperson in regard to University policies and procedures. Respondents are encouraged to utilize a support person if needed and may be accompanied by an advisor to any meeting or proceeding related to non-academic misconduct. Resources for support person/advisors are available [table](#).
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. The Student Conduct Office has the authority to refer the matter to a different NAM Unit, having regard for *the criteria listed in Paragraph 4 of Section V, in which case the Student Conduct Office will advise the NAM Intake Office of the subsequent referral.*

### 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 direct or indirect 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 meeting or proceeding without the express permission of the administrator conducting the meeting or the Chair of the proceeding, as the case may be; or,

vi) harassing (physically, verbally, or in writing), intimidating or attempting to influence,

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**D CONTRAVENTION OF POLICY or LAW**

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Discriminatory Harassment also includes Harassment based on a person's relationship to, or association with, or dealings with, a person or persons identified by one or more protected grounds.

Discriminatory Harassment may include, for example, racist jokes, sexual harassment, gender-based harassment and [microaggressions](#)

**J Harassment by Provocation or Incitement** is a form of Discriminatory Harassment

- d) **Discrimination by a Student Group:** Discrimination is a distinction relating to personal characteristics of an individual or group based on a ground protected by the Ontario [Human Rights Code](#) that has the effect of imposing burdens, obligations or disadvantages on such individual or group not imposed upon others, or that withholds or limits access to opportunities, benefits, and advantages available to other members of society.

Discrimination:

- i) can be direct, indirect, or systemic in nature;
- ii) need not be intentional;
- iii) includes a distinction imposed because of a person's or group's relationship to, association with, or dealings with, another person or persons who are identified by a protected ground;
- iv) includes systemic discrimination, which refers to policies, practices, patterns of behaviour or attitudes that are part of the social or administrative structures of an organization (such as a Student Group), which, while appearing neutral on the surface nevertheless have an "adverse effect" or exclusionary impact on people based on a ground protected by the Ontario [Human Rights Code](#); and,
- v) includes a failure to accommodate the needs of individuals related to one or more grounds protected by the Ontario [Human Rights Code](#) unless doing so would cause undue hardship. The duty to accommodate must be fulfilled in accordance with the principles of dignity, individualization, and inclusion; but,
- vi) does not include restricting membership in a special interest group that is primarily engaged in serving interests of people identified by a prohibited ground to people who are similarly identified.

Examples of discrimination by a student group could include things such as:

- a club or student society refusing to relocate its regular meeting place, which is inaccessible to a member (or a prospective member) with a disability;
- exclusionary membership policies of a club or student society that adversely affect membership eligibility for individuals in equity seeking groups;
- less favourable differential leadership opportunities for qualified members of a club or group in equity seeking groups;
- failing to deal with discriminatory incidents or downplaying their seriousness because, for example, "no harm was intended."

See [Appendix A](#) for further discussion about Discrimination



## **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

- 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.

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e) **University or Community Service**

10. If at any time while a NAM case is pending against a Student and the Student's relationship with the university comes to an end such that the Student is no longer a member of the Queen's community (this does not include a leave of absence, or other temporary break or a voluntary withdrawal as part of an informal resolution agreement), then:
  - a) the university may decide to suspend the NAM process. If the Student re-joins the Queen's community in future, the University will decide whether to reinstate the NAM process; or,
  - b) the University can decide to continue the case to conclusion, whether or not the Student participates in the process. If subsequently the student is found to have violated the Code and the sanction results in a Requirement to Withdraw transcript notation the Student's transcript will be amended accordingly, and prior recipient(s) of the Student's transcript will be so informed by the Registrar.

## Appeals

1. Notwithstanding any right of appeal granted by the *Policy on Student Appeals, Rights, and Discipline*, a Student against whom a finding of Non-Academic Misconduct has been made and who wishes to appeal that finding must do so as follows:
  - a) When appealing a decision made by **Residences, Athletics & Recreation**, or an **Authorized Agent** (e.g. AMS Judicial Affairs), the appeal must be submitted to the appropriate appeal body stipulated in the appeal rules of those NAM units, if the NAM Unit's rules allow for a further appeal, that further appeal must be submitted to the NAMIO, to be heard by the NAM Appeal Panel,
  - or,
  - b) When appealing a decision made by the Student Conduct Office, the appeal must be submitted to the NAMIO, to be heard by the NAM Appeal Panel.

Students should visit the Non-Academic Misconduct Website for more information [Appeals](#)

2. Except as altered by the Procedure under the *Queen's University Student Code of Conduct, Residence Community Standards or Athletic & Recreation NAM Policy, Non-Academic Misconduct* appeals are conducted in accordance with the Rules of Procedure for the Non-Academic Misconduct Appeal Panel.

