Queen's University Student Code of Conduct
Approved by Senate April 24, 2008
(effective July 1, 2008)

Preface

Queen's University has developed the following Student Code of Conduct[1] to describe the standard of behaviour to which its students will be held. Contravention of the terms of conduct published here or of any other applicable University policy by a Queen's student may lead to disciplinary consequences.

Queen's students[2] are valued members of the University community with a valid interest in contributing to, participating in and remaining part 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. 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. The University's system of non-academic discipline is a complementary system that may be derived naturally from our existence as a clearly distinguishable community of interests. It should not be regarded as a substitute for the civil or criminal law. Students may be subject to consequences for misconduct both under the University's discipline system and under the criminal law concurrently. In the exercise of its disciplinary authority and responsibility, the University treats students as free to organize their own personal lives, behaviour and associations subject to the law and to those University regulations that are necessary to protect the legitimate interests of the University and/or members of the University community.

Queen's University prides itself on fostering within its students excellence in academic education. An academic education is built upon academic integrity. The five core fundamental values of honesty, trust, fairness, respect, and responsibility,[3] are central to the building, nurturing and sustaining of an academic community in which members of the community will thrive. Adherence to the values expressed through academic integrity forms a foundation for the "freedom of inquiry and exchange of ideas" essential to the

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[1] Terms used in this document have the same meaning as when used in the *Queen's University Senate Policy on Student Appeals, Rights & Discipline* (SARD, http://www.queensu.ca/secretariat/senate/policies/SARD_Policy.pdf), unless explicitly stated otherwise.
[2] For the purposes of this Code, a student, from the time of first registration at Queen's University, is bound by the Student Code of Conduct at all times as a registered student and this includes the period between sessional dates when the student is not officially registered. He or she will remain bound by the Code until such time as he or she has completed the relevant degree requirements. This Code applies to all students studying at Queen's International Study Centre, students registered in a non-degree program, students on exchange at Queen's or abroad, and students registered at another university on a letter of permission. The University, when exercising its right to address misconduct, will give due consideration to its ability to establish a real and substantial connection between the University and the conduct in question.
[3] See *Academic Integrity Policy Statement* 2006 http://www.queensu.ca/secretariat/senate/policies/AcadInteg.html, the *Academic Integrity @ Queen's* web site http://www.queensu.ca/academicintegrity/, and the Centre for Academic Integrity, Clemson University (www.academicintegrity.org).

intellectual life of the University. Queen's students therefore have ethical responsibilities to support and to uphold the fundamental values of academic integrity.

In addition, Queen's University encourages within its students an understanding of and commitment to good citizenship. To this end, the University promotes integrity in all aspects of student life, academic and non-academic, and looks to these same core values to inform and guide student conduct.

Queen's strives to provide a safe and civil environment in which students may live, work, and study, to the extent that this is within the University's control. Although it is expected that students will engage in respectful dialogue with members of the University community, nothing in this Code shall prohibit freedom of conscience and religion, peaceful assemblies, lawful demonstrations and picketing, or inhibit free speech. In addition, students are also members of the surrounding community, and retain all the rights and responsibilities given to members of the public.

Jurisdiction

This Code applies to all conduct by a student that has a real and substantial connection to the legitimate interests of the University and/or the members of the University community. [4] A determination as to whether student conduct has a real and substantial connection to Queen's University 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.

Senate has responsibility for the well-being of students and has the final responsibility for their discipline including the power to dismiss students for cause. The Senate Residence Committee is responsible for approving the overall process for Residence Student Discipline.[5] The Principal or various bodies within the University may refer cases involving one or more students to the University Student Appeal Board (USAB) for a hearing so that a decision may be made.[6] Otherwise, in the discharge of its disciplinary power, the Senate shall have regard to the initial responsibility of the Alma Mater Society (AMS) and the Society of Graduate and Professional Students (SGPS) of Queen's University for the discipline of students in non-academic matters.[7]

Queen's University retains the right to exercise emergency powers, including the issuance of a Notice of Prohibition. The University administration may exercise emergency powers if satisfied that the interests or safety of other students, staff, faculty, 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. A Notice of Prohibition may be used to bar a student from entering some or all of Queen's

[4] The legitimate interests of the University and/or the members of the University community may include, but are not limited to, the mission, administration, and reputation of the University, and University-related functions and activities.
[5] https://housing.queensu.ca/residence/lir/32005.asp.
[6] ***Supra*** note 1 at subs. 17(c).
[7] Senate Function 11, http://www.queensu.ca/secretariat/senate/function.html.

University pending the outcome of a proceeding. The exercise of emergency powers, including the issuance of a Notice of Prohibition, takes effect immediately and is not suspended pending a hearing.[8]

Faculty boards or their delegated bodies have jurisdiction to deal with issues of academic integrity and dishonesty as well as non-academic misconduct in an academic setting,[9] and to impose sanctions.[10]

Neither the University nor any authorized University judicial official shall pursue disciplinary action if the same complaint is being addressed, or has already been handled, by another University authority. The *Senate Policy on Appeals, Rights and Discipline*[11] provides a final internal appeal process and establishes a University-wide body, the USAB, to hear both academic and non-academic matters.

Queen's University 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*.[12]

Terms of Conduct

Students have a duty to familiarize themselves with the rules and regulations of the University that determine what their responsibilities are.

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 established by Residence administration, and this *Student Code of Conduct*.

2. Students shall abide by the provisions of the Criminal Code of Canada while in Canada. 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. While outside Canada, students are expected to abide by the laws of the host country. If a student violates those laws, the University may pursue disciplinary action, whether the conduct occurred on or off campus, if the conduct had a real and substantial connection to the legitimate interests of the University and/or the members of the University community**.**

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[8] ***Supra*** note 1. See 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.

[9] Faculty boards may exercise jurisdiction over non-academic discipline of students when unacceptable behaviour occurs in the context of a specific component of the academic program in which the student is registered or in an academic or academic-related setting. For more information, see the Senate policy *Non-Academic Discipline at Queen's*, http://www.queensu.ca/secretariat/senate/policies/nonacad.html. Also see SARD at subs. 8(a).

[10] ***Supra*** note 1 at s. 10.

[11] ***Supra*** note 1 at s. 17.

[12] http://www.queensu.ca/secretariat/senate/policies/harass/index.html.

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 not furnish false information to the University or any University official or judicial body authorized by the University, nor forge or possess any forged, altered, or falsified instrument of identification.

5. Students shall not interfere, directly, indirectly, or by threat, with the communication or pursuit of a complaint under the Code.

6. Students shall refrain from theft, knowingly possessing stolen property, trespassing, vandalism, and willfully or negligently damaging private or University property.

7. Student conduct shall respect 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, engage in research and socialize. Students shall refrain from conduct that attempts to limit these freedoms or any other freedoms guaranteed by law. The following conduct is unacceptable and constitutes an offence within the University community: acts of discrimination or harassment based upon, but not limited to, race, religion, gender, ability, ethnicity, national origin or sexual orientation. Students shall comply with the terms of any disciplinary sanction imposed in accordance with the Code or other applicable University policy.

Violation of the aforementioned terms of conduct is an offence under the Code, subject to disciplinary sanction. The above terms apply with equal force to individual students and student groups or organizations. Being under the influence of alcohol and/or other substances does not diminish or excuse a violation of the Code.

Misconduct under the Code will be deemed aggravated if it results or foreseeably could have resulted in significant injury to persons or damage to property or which otherwise posed a substantial threat to the stability and continuance of normal university or university-sponsored activities.

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 and/or the harm done. Wherever appropriate, the University encourages fashioning sanctions to include educational and restorative principles.

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 Student Code on the part of the student, and the appropriateness of sanctions such as community service. A second violation 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.

Ordinarily, no sanction shall be put into effect until the student has either exhausted all internal channels of appeal or has allowed the time for appeal to lapse. The relevant decision-maker will maintain a record of the investigation including the student's name, the nature of the violation under the Code, and the sanction imposed.

Range of Sanctions

1. Notice of Misconduct

A written notice delivered to the student, following a settlement approved by the judicial committee or a hearing in which the student has been found responsible for the misconduct, stating that the student has been found to have violated the Code.

2. Behavioural Mandate

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

Educational Sanction - An order that the student attend classes or participate in a program relevant to the commission of the offence in order to prevent future misconduct. Such order may specify the latest date on which educational sessions are to commence. The decision-maker must be satisfied that the student has participated meaningfully in the process.

Community Service - An order that the student perform a specified number of hours of community service by a specified date. The order may specify the type of service and/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 specified 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. Requirement to Withdraw

An order recommending that the student be withdrawn from the University for a specified period of time before being permitted to re-enroll in classes.[13] The student's transcript will bear a notation, during the period specified for withdrawal, that the student was required to withdraw from the University for non-academic discipline.

Student Procedural Rights and Appeals

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 an unbiased decision-maker.

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

- Right to the notice of the hearing
- Right to disclosure of evidence and information to be relied upon by the University

[13] ***Supra*** note 1 at s. 9. The jurisdiction of the AMS and the SGPS 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.

In the event that a student who is required to withdraw from Queen's University registers at another institution during the period of withdrawal specified, any question regarding whether credits earned during this period will contribute toward fulfilling the requirements of the Queen's degree will be determined according to the regulations established by the student's Faculty at Queen's.

- 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
- 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 has been unable to prepare for the hearing and/or 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.

Every effort should be made to ensure the participatory rights of affected individuals are upheld.[14] 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. Where either the issues or the consequences for the student are very serious, procedural protections may be greater.

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, the student may appeal the case to the appropriate University authority, generally the USAB.[15]

[14] ***Supra*** note 8 at the heading *Procedural Fairness in a University Environment.*
[15] ***Supra*** note 1 at s. 21.