



# Queen's University Student Code of Conduct

Effective Date: September 1, 2021



# Contents

<b>I</b>	<b>Preamble</b>	<b>3</b>
<b>II</b>	<b>Queen’s University Student Code of Conduct is a Behavioural Contract</b>	<b>4</b>
<b>III</b>	<b>Definitions</b>	<b>5</b>
<b>IV</b>	<b>Scope</b>	<b>7</b>
<b>V</b>	<b>Intake and Referral of Non-Academic Misconduct Cases</b>	<b>9</b>
<b>VI</b>	<b>Types of Non-Academic Misconduct</b>	<b>11</b>
	<b>A Abuse of Process</b>	<b>11</b>
	<b>B Aiding in the Commission of an Offence</b>	<b>12</b>
	<b>C Substance Use (Alcohol, Drug, Smoking)</b>	<b>12</b>
	<b>D Contravention of Policy or Law</b>	<b>13</b>
	<b>E Disruption or Interference</b>	<b>13</b>
	<b>F Improper Use of Dangerous Objects and Substances</b>	<b>13</b>
	<b>G Misconduct Against Persons and Dangerous Activity</b>	<b>14</b>
	<b>H Misconduct Involving Property</b>	<b>17</b>
	<b>I Misrepresentation, Failing to Provide, or Providing, False Information</b>	<b>17</b>
	<b>J Misuse of University Information Technology</b>	<b>17</b>
	<b>K Unauthorized Entry and/or Presence</b>	<b>18</b>
<b>VII</b>	<b>Sanctions</b>	<b>19</b>
<b>VIII</b>	<b>Appeals</b>	<b>22</b>
<b>IX</b>	<b>Related Policies</b>	<b>23</b>
	<b>Appendix A Informational Commentary About Discrimination</b>	<b>24</b>

## Effective Date: September 1, 2021

This Student Code of Conduct (“Code”) (as approved on May 7, 2021) shall have force and effect from the date approved by the Board of Trustees (“Effective Date”), and shall replace and supersede all prior versions of the Code with the exception of Complaints submitted prior to September 1, 2021. For Complaints submitted prior to September 1, 2021, the Code and the provisions approved on December 4, 2020 shall apply.

# 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. 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 and opportunities for education. ([See Appendix A for further discussion and commentary.](#))
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. The University values integrity, inclusiveness and teamwork. To this end, the University is committed to providing developmental and educational opportunities in response to student conduct issues when appropriate. 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.
7. The principles of education, well-being of students, the safety and well-being of the University community, deterrence, restitution, and where appropriate, Restorative Justice, will guide decision-makers within the NAM System.
8. This Student Code of Conduct ("Code") outlines the kinds of activities and behaviours that constitute non-academic Student misconduct and associated sanctions but is only one vehicle through which the University addresses these issues. The University will continually seek to strengthen its dialogue and education, providing clarity about its expectations of student conduct.

# Queen's University Student Code of Conduct is a Behavioural Contract

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) accept and agree to be subject to the University's policies, rules and procedures, including this Code of Conduct; and,
  - c) accept the right of the University and/or its Authorized Agent(s) to impose sanctions for conduct found to have violated those standards, policies, rules or procedures.

# 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. **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)** 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*.
7. **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 Non-Academic Misconduct Appeal Panel.
8. **NAM Appeal Panel** means the University's final internal appeal body for non-academic misconduct cases.
9. **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.
10. **NAM Roundtable** serves as an informal forum for those involved in the operation of the University's non-academic misconduct system.
11. **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.

## Definitions *continued*

12. **NAM Unit** means each of the Student Conduct Office, Athletics & Recreation, Residences, and any Authorized Agent of the University, involved in the administration of this Code.
13. **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.
14. **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.
15. **Sanctioned Activity** means an activity that has been approved by the University (through a University administrator authorized to do so), by a student government, or by an Authorized Agent of the University.
16. **Student** means anyone who is registered, full-time or part-time, in a course or program of study, including a non-degree diploma or certificate (whether for credit or not), offered by or 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.
17. **Student Conduct Office** means the University Office that handles cases of alleged Category 2 non-academic misconduct.
18. **Student Group** means any extracurricular organization or club that is recognized or ratified by the University, by a student government, or, by any Authorized Agent of the University.
19. **University** means Queen's University at Kingston.<sup>1</sup>
20. **University Community** includes, without limitation, employees, students, volunteers, visiting professors, contractors, visitors, student groups, and other individuals who live, work, or study at, or carry out services for, the University.
21. **University Property** means property owned, rented or otherwise used by the University.

<sup>1</sup> "Queen's University at Kingston" is the formal legal name of the institution; it does not refer to any geographical boundary.

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 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 there is risk to the health or safety of a member(s) of the University community in the University's living, learning or working environment(s).
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 required 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 Campus Security & Emergency 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 Campus Security & Emergency 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 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 can be addressed by other University policies and procedures includes:
  - a) an alleged departure from academic integrity; and,
  - b) an alleged departure from research integrity.
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 appropriate procedure(s) to be followed.
9. Nothing in this Code prohibits Student participation in lawful and peaceful public assemblies and demonstrations, nor inhibits Students' lawful and non-violent freedom of expression<sup>2</sup>. This does not, however, relieve a Student who is also an employee of the University of employment-related obligations.
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 Vice-Provost and Dean of Student affairs (or delegate) 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 implement interim measures that are appropriate in the circumstances to support a safe campus environment and/or to safeguard the legitimate interests of the University and the campus community, for a specific period or until the case is concluded (e.g.: interim suspension, full or partial Notice of Prohibition, no contact requirements, and restriction(s) on or loss of privileges).
12. Interim measures **are not** evidence of any finding of fact concerning whether or not there has been a violation of the Code.

<sup>2</sup> e.g., See [the Free Expression at Queen's University policy](#)



# 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 *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 physical, emotional or psychological impacts;
  - b) whether the conduct as alleged appears to involve a violation of the prohibitions against Harassment or Discrimination;
  - c) whether the conduct as alleged appears to involve 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;
  - d) 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;

## Intake and Referral of Non-Academic Misconduct Cases *continued*

- 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.
  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 results in a Requirement to Withdraw transcript notation<sup>3</sup>, 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.

<sup>3</sup> See [Policy on Transcript Terminology for Students Withdrawing from Queen’s University](#)

## 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 [online](#).
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,

## Types of Non-Academic Misconduct *continued*

- 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 SUBSTANCE USE (ALCOHOL, DRUG, SMOKING)**

*Cases under C (e), (f), (g) and (h) are presumptively category 2 non-academic misconduct*

- a) Consumption or possession of open alcohol on University Property except where it is specifically permitted (e.g., in a licensed campus pub, at a licensed event or as permitted under the Residence Contract or the University Alcohol Policy).
- b) Consumption or possession of alcohol by a person under the age of 19, or furnishing alcohol to a person under the age of 19.
- c) Consumption or possession of cannabis, except if permitted by law and University policy.
- d) Consumption or possession of cannabis by a person under the age of 19, or furnishing cannabis to a person under the age of 19.
- e) Manufacturing, cultivating or growing cannabis on University Property, except as may be related to University research.
- f) Consumption or possession of any narcotic or controlled substance, except if permitted by law and University policy, including the possession or consumption of prescription medication for purposes other than that for which it was prescribed by a licensed medical professional.
- g) The act(s) of selling, administering, giving, transferring, transporting, sending or delivering a narcotic or controlled substance, or the attempt or offer to do so, except as expressly permitted by law.
- h) Any act that causes any person to consume a substance (e.g., alcohol, a narcotic or controlled substance including cannabis) without their consent. This includes but is not limited to by any means that involves hazing.
- i) Smoking (including use of e-cigarettes) and use of Tobacco Products on campus except in circumstances specifically permitted by the [Smoke-Free University Policy](#).

### **D CONTRAVENTION OF POLICY or LAW**

- a) Violation of a University policy, rule, or procedure published or posted by the University, including without limitation the Athletic & Recreation Non-Academic Misconduct Policy and the Residence Community Standards.
- b) Violation of a policy, rule or procedure published or posted by an Authorized Agent of the University or by a student government.
- c) Violation of a Municipal, Provincial or Federal law.

### **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, in the performance of their duties.
- c) Any action, conduct, display or communication that causes disruption to, or an obstruction of, the freedom of movement of any person on University Property.

### **F IMPROPER USE OF DANGEROUS OBJECTS AND SUBSTANCES**

*All cases under this heading 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.
- b) Use of any object to injure, threaten or intimidate another person.

**G MISCONDUCT AGAINST PERSONS AND DANGEROUS ACTIVITY**

*All cases under this section are presumptively category 2 non-academic misconduct*

If a protected ground under the Ontario [Human Rights Code](#) is found to have been a factor in misconduct, this will be considered an aggravating factor in the sanctioning process (See Section VII – Sanctions).

**Human Rights Code protected grounds:** race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age\*, record of offences\*\*, marital status, family status, disability, and any other ground that may subsequently designated as protected under the [Ontario Human Rights Code](#).

\* Protected only in relation to those 18 years or older

\*\* Protected in relation to employment only

**a) Assault.**

**b) Sexual Violence<sup>4</sup>** against a member of the University community (e.g., staff, faculty, students, visitors, volunteers).

**c) Harassment:** means engaging in a course<sup>5</sup> of vexatious comment or conduct that exceeds the bounds of free expression or academic freedom as these are understood in University policies<sup>6</sup>, which is known or ought reasonably to be known to be unwelcome.

Harassment includes not merely direct and intentional acts, but also engaging in verbal or non-verbal behaviour or communication that is known or ought to reasonably be known to be hostile, intimidating or threatening. It includes conduct that deliberately seeks to control or manipulate or otherwise harm another person, and can include comment or conduct through any form of electronic media regardless of where it originates.

Harassment need not be connected to a ground protected by the Ontario [Human Rights Code](#).

Differences of opinion, personality conflicts, or disagreements between individuals are not generally considered to be Harassment.

Harassment, defined above, can take on a variety of specific forms, some commonly recognized forms include:

**i) Discriminatory Harassment** is a form of Harassment (engaging in a course<sup>7</sup> of vexatious comment or conduct that exceeds the bounds of free expression or academic freedom as these are understood in University policies<sup>8</sup> against a person or group, which is known or ought reasonably to be known to be unwelcome) that is based on one or more grounds protected by the Ontario [Human Rights Code](#).

<sup>4</sup> As defined in the Queen's University [Policy on Sexual Violence Involving Queen's University Students](#) (Sexual Violence includes Sexual Harassment.)

<sup>5,7</sup> A single incident can be sufficiently egregious as to constitute Harassment

<sup>6,8</sup> e.g., See the [Free Expression at Queen's University policy](#)

## Types of Non-Academic Misconduct *continued*

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](#).

- ii) Harassment by Provocation or Incitement** is a form of Discriminatory Harassment involving public behaviour that exceeds the bounds of free expression or academic freedom as these are understood in University policies<sup>9</sup>, which incites hatred, contempt for, or revulsion or severe ridicule of, a person or group of people because of or based on one or more grounds protected by the Ontario [Human Rights Code](#), or because of a person's relationship to, or association or dealings with, such a person or group.
- iii) Hazing:** is a form of Harassment. 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:
- abusive (physically or psychologically);
  - demeaning;
  - dangerous;
  - humiliating;
  - ridiculing; or,
  - contrary to this Code, to a University policy, rule or procedure, or to Municipal, Provincial or Federal law; and
  - 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.**

<sup>9</sup> e.g., See the [Free Expression at Queen's University policy](#)

## Types of Non-Academic Misconduct *continued*

- 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<sup>10</sup>.

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

<sup>10</sup> See Ontario [Human Rights Code](#), Section 18



**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 property on University Property, and property associated with a Sanctioned Activity.
- 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, FAILING TO PROVIDE, OR PROVIDING, FALSE INFORMATION**

*Cases under I (c) are presumptively category 2 non-academic misconduct*

- 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.
- c) Failing to provide identification upon request to any University official or to any official of an Authorized Agent of the University. Arbitrary requests, *i.e. profiling*, are prohibited.

**J MISUSE OF UNIVERSITY INFORMATION TECHNOLOGY**

*All cases of under this heading 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.

## Types of Non-Academic Misconduct *continued*

- 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.

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. If a protected ground under the Ontario [Human Rights Code](#) is found to have been a factor in misconduct, this will be considered an aggravating factor in determining the appropriate sanction(s).
5. In addition to the sanctions described in 7 and 8 below, sanctions in the Residence Community Standards and the Athletic & Recreation Non-Academic Misconduct Policy will be available in cases arising from those Units of the NAM System, but which have been referred or re-directed to the Student Conduct Office.
6. Sanctions will be appropriate to the conduct involved in each case.
7. Every NAM decision imposing a sanction(s) must describe any mitigating and/or aggravating factors that were considered by the decision-maker.
8. 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) **Conditional Fine** – The Student is required to commit a specified sum of money for a specified period, and the Student is required to sign and abide by a letter of behavioural expectations. If, at the end of the specified 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) **Restriction on, or loss of, privilege** – The restriction on or removal of specified privileges, indefinitely or for a specified period of time, which can include restrictions on, removal from, or participation in, any activity or role affiliated with the University (e.g., access to University facilities, participation in extra-curricular activities, University sponsored travel, participation on University bodies)<sup>11</sup>.
  - 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.
  - k) **Non-Academic Probation** – Status imposed on a Student for a specified period of time who has a significant record of non-academic misconduct (e.g., because of several previous Code violations or because of a Code violation that compromised the health, safety, or well-being of another person) during which the Student is not in good standing with the University and a further Code violation may result in a notice of Prohibition or a Requirement to Withdraw.
9. 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**, which may be time limited (suspension) or indefinite (expulsion). This sanction is only available in cases of Category 2 non-academic misconduct.

<sup>11</sup> This does not include the ability to remove a person from an elected position on the AMS Assembly or from an elected position on the SGPS Council, nor does it permit removal of any person from their employment with either of those two bodies. Restrictions can be imposed on these individuals with respect to their participation in activities affiliated with the University, including participation on University bodies and in clubs.

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<sup>12</sup>, the Student's transcript will be amended accordingly, and prior recipient(s) of the Student's transcript will be so informed by the Registrar.

<sup>12</sup> See [Policy on Transcript Terminology for Students Withdrawing from Queen's University](#)

## 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 on [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.

1. Several University policies, rules, procedures or guidelines 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, procedures or guidelines may include, but are not limited to the following:
  - a) [Acceptable Use of Information Technology Policy](#)
  - b) [Code of Behaviour for Library Users](#)
  - c) [University District Tenant Handbook](#)
  - d) [John Orr Tenant Handbook](#)
  - e) [An Clachan Tenant Handbook](#)
  - f) [Harassment and Discrimination Complaint Policy and Procedure](#)
  - g) [Queen's University Weapons Policy](#)
  - h) [Policy on Sexual Violence Involving Queen's University Students](#)
  - i) Professional behaviour expectations and violations under professional programs and standards policies for professional programs.
3. The University also has existing behavioural expectations for specific Student populations:
  - a) Athletics & Recreation [Student-Athlete Guidelines for Behaviour](#)
  - b) Student Athlete [Summary of Infractions](#)
  - c) [Athletic & Recreation Non-Academic Misconduct Policy](#)
  - d) [Residence Contract](#) and [Residence Community Standards](#) for Students living in residences
  - e) Professional behaviour expectations and violations 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.
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

## Informational Commentary About Discrimination

*The following commentary is included for informational purposes; it is intended to provide context about the nature of discrimination and some of its causes/manifestations. It is not intended to be exhaustive, nor is it intended to alter or re-state the definitions in the Student Code of Conduct.*

*This Appendix may be amended from time to time on the advice of the Associate Vice-Principal (Human Rights, Equity & Inclusion).*

Discrimination generally involves action, such as treating a person or group in a particular way, or a failure to make reasonable accommodation for a person or group, based on a ground protected by the Ontario [Human Rights Code](#). Discrimination can be experienced on multiple, intersecting protected grounds. For example, a Muslim woman who wears a hijab may experience discrimination based on both creed and gender.

On the other hand, things such as ageism, racism, sexism, etc. are rooted in ideologies that position certain groups as marginal or inferior, and are manifest in general attitudes, values, and stereotypical beliefs. “Isms” will not always lead to discrimination and harassment, but they often create the conditions for discriminatory and harassing actions.

Discrimination can also arise from a poisoned environment. A poisoned environment refers to an environment that has become so hostile or intolerable, such that discriminatory conduct or attitudes permeates it entirely. A poisoned environment may exist if there has been a particularly egregious, stand-alone incident, or, if there has been serious and persistent wrongful behaviour, based on a ground protected by the Ontario [Human Rights Code](#), sufficient to create a hostile or intolerable environment.

**Ableism** is a belief system, analogous to racism, sexism, or ageism, that sees persons with disabilities as being less worthy of respect and consideration, less able to contribute and participate, or of less inherent value than others. Ableism may be conscious or unconscious, and may be embedded in institutions, systems, or the broader culture of a society. It can limit the opportunities of persons with disabilities and reduce their inclusion in the life of their communities. Ableist attitudes are often based on the view that disability is an “anomaly to normalcy,” rather than an inherent and expected variation in the human condition. Ableism may also be expressed in ongoing paternalistic and patronizing behaviour toward people with disabilities<sup>13</sup>.

<sup>13</sup> See OHRC Policy on [Ableism and Discrimination Based on Disability](#)



## Informational Commentary About Discrimination *continued*

**Ageism** is a socially constructed way of thinking about older people based on negative attitudes and stereotypes about aging and a tendency to structure society based on an assumption that everyone is young, thereby failing to respond appropriately to the real needs of older persons.

Ageism is often a cause for individual acts of age discrimination and often more systemic in nature, such as in the design and implementation of services, programs, and facilities. Age discrimination involves treating persons in an unequal fashion due to age in a way that is contrary to human rights law<sup>14</sup>.

**Anti-Asian racism** is prejudice, attitudes, beliefs, stereotyping and discrimination that is directed at the people of Asia or of Asian decent. Negative attitudes towards Asian Canadians survive in characterizations of these Canadians as “foreigners” and “aliens” whose values and culture are incompatible with the Canadian way of life. Concerns about negative attitudes towards Chinese Canadians and South Asian Canadians came to the surface during the 2003 SARS outbreak and more recently in connection with the COVID-19 global pandemic<sup>15</sup>.

**Anti-Black racism** is prejudice, attitudes, beliefs, stereotyping and discrimination that is directed at people of African descent and is rooted in their unique history and experience of enslavement and its legacy. Anti-Black racism is deeply entrenched in Canadian institutions, policies and practices, to the extent that anti-Black racism is either functionally normalized or rendered invisible to the larger White society. Anti-Black racism is manifest in the current social, economic, and political marginalization of African Canadians, which includes unequal opportunities, lower socio-economic status, higher unemployment, significant poverty rates and overrepresentation in the criminal justice system<sup>16</sup>.

**Anti-Indigenous racism** is the ongoing race-based discrimination, negative stereotyping, and injustice experienced by Indigenous Peoples within Canada. It includes ideas and practices that establish, maintain and perpetuate power imbalances, systemic barriers, and inequitable outcomes that stem from the legacy of colonial policies and practices in Canada. Systemic anti-Indigenous racism is evident in discriminatory federal policies such as the Indian Act and the residential school system. It is also manifest in the overrepresentation of Indigenous peoples in provincial criminal justice and child welfare systems, as well as inequitable outcomes in education, well-being, and health. Individual lived-experiences of anti-Indigenous racism can be seen in the rise in acts of hostility and violence directed at Indigenous people<sup>17</sup>.

<sup>14</sup> See OHRC [Ageism and Age Discrimination Fact Sheet](#)

<sup>15</sup> See Ontario [Human Rights Commission Report](#)

<sup>16</sup> See Government of Ontario [Data Standards for the Identification and Monitoring of Systemic Racism](#)

<sup>17</sup> *ibid*

## Informational Commentary About Discrimination *continued*

**Antisemitism** is latent or overt hostility or hatred directed towards, or discrimination against individual Jews or the Jewish people for reasons connected to their religion, ethnicity, and their cultural, historical, intellectual and religious heritage<sup>18</sup>. Antisemitism has also been defined as a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of antisemitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities<sup>19</sup>.

**Homophobia and heterosexism** are terms used to describe prejudice relating to sexual orientation. Both may be the basis for negative treatment of individuals and communities, based on their actual or perceived sexual orientations. “Homophobia” is the aversion to, or fear or hatred of, individuals and communities of diverse sexual orientations, or of behaviours stereotyped as belonging to diverse sexual orientations. It signifies a hostile psychological state on the part of those engaging in overt discrimination, harassment, or violence. “Heterosexism” refers to an underlying assumption or expectation that everyone is heterosexual. Discrimination based on that assumption may be unintentional and unrecognized by the person or organization responsible for the discrimination. Because it is based on unexamined assumptions, it supports the development of institutional and societal bias. Both “homophobia” and “heterosexism” can result in discrimination based on sexual orientation<sup>20</sup>.

**Islamophobia** includes racism, stereotypes, prejudice, fear or acts of hostility directed towards individual Muslims or followers of Islam in general. In addition to individual acts of intolerance and racial profiling. It has also been described as the dread, hatred and hostility towards Islam and Muslims perpetuated by a series of closed views that imply and attribute negative and derogatory stereotypes and beliefs to Muslims. Islamophobia can lead to viewing and treating Muslims as a greater security threat on an institutional, systemic and societal level<sup>21</sup>.

**Microaggressions** are the everyday verbal, nonverbal, and environmental slights, snubs, or insults, whether intentional or the result of unconscious bias, which communicate hostile, derogatory, or negative messages to targeted persons based solely upon their membership in a human rights protected group<sup>22</sup>. Microaggressions can be subtle. Microaggressions, cumulatively, may constitute Discriminatory Harassment. A single incident alone, particularly where the conduct results from unconscious bias, will rarely constitute Discriminatory Harassment, except where the conduct is particularly egregious and results in severe impact. A group, including a Student Group, which permits or tolerates a persistent environment of

<sup>18</sup> [Data Standards for the Identification and Monitoring of Systemic Racism](#)

<sup>19</sup> International Holocaust Remembrance Alliance [“Working Definition of Antisemitism”](#)

<sup>20</sup> See OHRC Policy on [Discrimination and Harassment because of Sexual Orientation](#)

<sup>21</sup> See OHRC Policy on [preventing discrimination based on creed](#)

<sup>22</sup> [Microaggression: More Than Just Race](#), 2010, Derald Wing Sue Ph.D.

## Informational Commentary About Discrimination *continued*

microaggressions can be found to have engaged in Discriminatory Harassment. The university's goal is to foster an understanding of the impacts that microaggressions can have on those in equity deserving groups. As such, the initial focus in responding to a finding of Discriminatory Harassment based on allegations of microaggressions will, where appropriate, be educational and restorative.

**Race** is a protected ground under the Ontario [Human Rights Code](#), but like racial discrimination, it is not specifically defined. The Ontario Human Rights Commission explains race as socially constructed differences among people based on personal characteristics. Racialization is the process of social construction of race, by which people and societies construct races as real, different, and unequal in ways that matter to economic, political, and social life.

**Racism** is inclusive of racial harassment and discrimination but is a wider phenomenon than racial harassment and discrimination. Racism is an ideology that either directly or indirectly asserts that one group is inherently superior to others. Racism plays a major role in fostering racial harassment and discrimination. Racism can be openly displayed in harassing and/or violent behavior such as racial jokes and slurs or hate crimes, but it can be more deeply rooted in attitudes, values, and stereotypical beliefs. In some cases, these are unconsciously held and expressed without intention to harm, yet the effect of racism is to perpetuate inequity and exclusion of historically marginalized groups including Indigenous, Black, and racialized communities. Racism operates at individual, systemic and societal levels. Although Canada has made much progress, unfortunately racism and racial discrimination remain a persistent reality in Canadian society. This fact must be acknowledged as a starting point to effectively address racism and racial discrimination<sup>23</sup>.

**Transphobia** is the aversion to, fear or hatred of trans people and communities. Like other prejudices, it is based on stereotypes that are used to justify discrimination, harassment and violence toward trans people and has its roots in cisnormativity (the commonplace assumption that cisgender, having a gender identity that is in line with the biological sex they were assigned at birth, is the "norm"). Transphobia describes stereotypes, negative attitudes and prejudice towards trans people that are more widespread or systemic in society and its institutions. This form of prejudice may be unintentional and unrecognized by the person or organization responsible, making it all the more entrenched and difficult to address. Society's bias that there is only one right, normal expression of gender underpins this form of prejudice and the discrimination that can result from it<sup>24</sup>.

<sup>23</sup> Adapted from OHRC Fact Sheet: [Racial Discrimination, Race and Racism](#)

<sup>24</sup> Adapted from OHRC Policy on [preventing discrimination because of gender identity and gender expression](#)