

**PROCEDURE TITLE:** NCT 100 Student Code of Conduct Appeals

**RELATED POLICY:** NCT 100 Student Code of Conduct

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### **A. Definitions**

**Business Day:** Monday to Friday, excluding statutory holidays and days that Niagara College -Toronto campuses are closed.

**Misconduct:** The failure to comply with or violation of the College's Student Code of Conduct.

**Reviewing Authority:** The Vice President, Operations & Infrastructure or designate, appointed to have authority over formal appeals relating to the Student Code of Conduct.

**Sanction:** A range of imposed consequences for being found in violation of the Student Code of Conduct.

**Student:** For the purposes of this policy, a student is considered to be an individual who is registered and attending classes at Niagara College - Toronto.

**Student Rights and Responsibilities Office (SRRO):** College Administrators appointed to oversee and implement the Student Code of Conduct.

**Support Person:** A person chosen by the student to accompany them to a conduct meeting to provide emotional support, without communicating or acting on behalf of the student. The support person may be a family member, friend or Student Association member, but may not be a college employee.

### **B. Procedure Purpose**

This procedure outlines the process by which students found to have violated the Student Code of Conduct, may appeal an imposed sanction. Verbal warnings may not be appealed.

### **C. Scope**

This procedure applies to all Niagara College - Toronto students registered and attending classes at the Niagara College - Toronto .

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#### **D. Procedure Statements**

1. A student found to have violated the Student Code of Conduct may appeal a written sanction by completing the Student Code of Conduct Appeal Form and submitting it to [srro@niagaracollegeutoronto.ca](mailto:srro@niagaracollegeutoronto.ca) within ten (10) business days of receiving the written notification of discipline decision.
2. A student must include information supporting their appeal which identifies one or more of the grounds for appeal as follows:
  - a) There was an error in the student conduct process that rendered the process unfair;
  - b) New evidence is available that, through no fault of the student, was not available at the time of the investigation; or
  - c) The sanction imposed is unreasonable in relation to the nature of the offence.
3. The reviewing authority will determine if an appeal meets the criteria listed above. The reviewing authority will then request the student conduct investigation file if the appeal will proceed.
4. In the event that the appeal does not meet the criteria, the original sanctions shall stand and there is no further right to appeal.
5. The appeal will be heard within fifteen (15) business days from the decision to proceed with the appeal unless a delay is caused by exceptional circumstances.
6. The reviewing authority will review all relevant information and may interview the student and/or the SRRO as necessary.
7. In the event that a sanction results in the removal of the student from campus, the reviewing authority may interview the student via phone or video call.
8. If the student requesting the appeal chooses to have a support person accompany them, they must notify the reviewing authority by emailing [srro@niagaracollegeutoronto.ca](mailto:srro@niagaracollegeutoronto.ca) prior to the interview.
9. The reviewing authority will ensure the discussion and decision are documented.
10. If the student requesting the appeal fails to attend the interview, a decision may be made in their absence.

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11. Based on the information available, a decision will be made by the reviewing authority and the student will be informed in writing by the reviewing authority within five (5) business days of the outcome.
12. The decision of the Reviewing Authority will be one (1) of the following:
  - a) Appeal Denied: the sanction is upheld and considered final
  - b) Appeal Accepted: the sanction is removed; or
  - c) Adjustment: the sanction is modified.
13. The reviewing authority will advise the Associate Director, Student Services and the Academic Director of the decision and return the student conduct investigation file with the appeal decision noted.
14. The reviewing authority has the final authority on sanction decisions related to findings of misconduct. All decisions made by the reviewing authority are final and there is no further right to appeal.

### **E. Forms**

Student Code of Conduct Appeal Form

### **F. Document History**

Date	Approval/Review/Key Change(s)
June 7, 2024	New
July 11, 2024	<ul style="list-style-type: none"> <li>Minor nomenclature updates (i.e addition of Toronto following Niagara College and changed SSD to SRRO)</li> <li>Student definition updated to an individual who is “registered and attending classes at Niagara College – Toronto”, per the policy Scope</li> <li>Vice President, Operations title updated to Vice President Operations &amp; Infrastructure</li> </ul>