

PROCEDURE TITLE: NCT 100 Student Code of Conduct

RELATED POLICY: NCT 100 Student Code of Conduct

A. Definitions

Balance of Probabilities: Based on the evidence presented, it is more likely than not, that the alleged misconduct occurred.

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

Complainant: An individual who brings forward a complaint alleging a violation of the Student Code of Conduct.

Conduct Meeting: A meeting initiated by the Student Rights and Responsibilities Office (SRRO) to gather information and/or to provide respondents an opportunity to respond to allegations of misconduct.

Interim Measure: A course of action immediately imposed on a student before the College makes a final determination about the alleged misconduct. An Interim measure is not considered to be a finding of misconduct.

Misconduct: The failure to comply with or violation of the Student Code of Conduct.

Non-Academic Expulsion: Loss of all academic privileges at the College for an indefinite period. No fees are refunded and the student may be required to pay all outstanding fees. All non-academic expulsions include a notice of trespass.

Non-Academic Suspension: Loss of all academic privileges at the College for a period of up to three (3) years. No fees are refunded and the student may be required to pay outstanding fees. All non-academic suspensions include a notice of trespass.

Notice of Allegation: Communication advising a student that a complaint has been received, alleging and outlining the nature of a violation of the Student Code of Conduct. It will also include information regarding interim measures when applicable. Notification will be considered received on the date issued.

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Notice of Trespass: An order issued by Campus Safety and/or local police services that restricts access to any and all Niagara College - Toronto owned or leased properties and/or those of its partners, pursuant to the Trespass Property Act.

Respondent: A student against whom, a complaint has been made alleging a violation of 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 (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

Niagara College - Toronto encourages attempts to resolve conflicts where appropriate. In the event that resolution is unsuccessful, this procedure outlines the process for initiating a formal complaint, its subsequent investigation and potential consequences of the misconduct. This procedure is administrative and investigative in nature and does not constitute legal proceedings.

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. Any member of the college community may bring forward concerns or submit a complaint(s) alleging a violation of the Student Code of Conduct by:
 - a) Reporting an incident to Campus Safety who will refer the incident to the SSRO and other relevant departments for review;
 - b) Discussing the incident with their supervisor, who will review/refer the incident with the SRRO if deemed appropriate; or
 - c) Completing a Student Misconduct Form and emailing it to srro@niagaracollegeutoronto.ca
2. Information provided by the complainants and respondents is treated as confidential, but may be shared at the College's sole discretion, with the other party as reasonably required to investigate the complaint.
3. If at any stage of this process, it is believed that the behaviour in question is related to a health condition, it may be referred to an alternate process or procedure under the direction of the Associate Director, Student Services. An alternate process does not prevent the College from responding to, and addressing the behaviour, however, it may offer a greater understanding of contributing factors, support and intervention options to reduce the likelihood of continued occurrence.
4. Upon receipt of a complaint, the SRRO will conduct an investigation if the evident established that a violation of the Student Code of Conduct may have occurred.
5. If the actions of a student violate more than one college policy, those responsible for initiating the processes will confer to determine which policy should be applied, whether multiple processes are required and/or which takes precedence.
6. An interim measure may be imposed when the alleged misconduct warrants an immediate course of action while the investigation occurs.
7. The respondent will receive a notice of allegation within fifteen (15) Business Days of the SRRO receiving the final incident report of Student Misconduct Form, unless a delay is caused by exceptional circumstances.

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8. Students are required to:
 - a) Monitor their Niagara College - Toronto email for notice of allegation and request to meet from the SRRO;
 - b) Respond to requests to meet in a timely manner; and
 - c) Attend scheduled meetings to address the alleged misconduct.
9. A conduct meeting will be held within a reasonable timeframe after the notice of allegation has been sent. The Respondent will be required to attend the conduct meeting with the SRRO, where they will receive a fair and unbiased opportunity to provide information, present evidence, respond to the allegations and to inform the investigator of any mitigating circumstances that may exist. Where an incident involved the student's removal from campus as part of an interim measure, conduct meetings may occur via phone or video call.
10. If the respondent chooses to have a support person accompany them to the conduct meeting, the SRRO must be notified in writing beforehand. The support person may not address the allegation, pose questions or communicate with the College on behalf of the Respondent. The Respondent must independently present information and address the allegations. Throughout the process, a support person may not be disruptive and/or cause unreasonable interference to the application of this procedure.
11. If the respondent fails to or chooses not to participate in the process outlined in this procedure, and after reasonable attempts to meet, the SRRO may impose a sanction based on the information obtained.
12. The SRRO's investigation may include video footage and interviews or statements from any involved parties, witnesses and complainants who may have information that will assist in the investigation. Should subsequent allegations be gained through the course of the investigation, respondents will be notified as described above.
13. The SRRO will render a decision within fifteen (15) business days following the final conduct meeting unless a delay is caused by exceptional circumstances and/or there are multiple allegations against the respondent.
14. The SRRO will make a determination regarding whether the misconduct has been committed based on the balance of probabilities. If it is determined that the respondent violated the Student Code of Conduct, the SRRO will take an educational approach and may impose a

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sanction of one or more consequences as deemed appropriate, considering the full context of the misconduct, including, but not limited to:

- a) The nature and severity of the misconduct;
- b) The harm caused and impact of the misconduct to the college community;
- c) The degree to which the misconduct was intentional;
- d) Whether the misconduct was an isolated incident or part of repeated acts of misconduct; and
- e) The risk the misconduct poses to the College and the potential safety of its community members.

15. The SRRO may determine a sanction to be any of the following, individually or collectively:

- a) Verbal warning;
- b) Written warning;
- c) Providing a written apology letter and/or reflection paper;
- d) Completion of an educational program, workshop or project unrelated to academic obligations;
- e) Restitution for damages caused by the misconduct;
- f) Removal from one or more classes, activity, co-op placement, course or program;
- g) Temporary or indefinite suspension from one or more college activities, facilities, events and/or services, including any conditions for return;
- h) Suspended re-enrolment in circumstances where a Respondent has left the College prior to the conclusion of the misconduct process;
- i) Behavioral agreements which may include, but are not limited to, mandatory meetings with the SRRO, no contact measures, or other personal undertakings;
- j) non-academic suspension;
- k) non-academic expulsion; or
- l) notice of trespass pursuant to the Trespass to Property Act.

16. Upon completing an investigation, the respondent will receive written notification of the outcome, including any accompanying sanction if there is a finding of misconduct. The findings of the investigation will also be communicated to the complainant and required college officials as it pertains to their duties.

17. A student found to have violated the Student Code of Conduct, may appeal a sanction through the Student Code of Conduct Appeal procedure.

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E. Related Documents

Student Misconduct Form

F. Document History

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