PROCEDURE TITLE: NC800 Student Code of Conduct Appeals
RELATED POLICY: NC800 Student Code of Conduct

A. Definitions

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

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

**Reviewing Authority:** The Vice President, Student Success, 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 procedure, a student is considered to be an individual who is admitted, enrolled, registered and/or on a scheduled break in study at Niagara College.

**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 an appeal hearing to provide emotional support, without communicating or acting on behalf of the student. The Support Person may be a family member, friend or Student Administrative Council member, but may not be a Niagara 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. 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 studentcodeofconductappeals@niagaracollege.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 does meet 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 studentcodeofconductappeals@niagaracollege.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.

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.
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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 Director, Student Services and the SRRO 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.

D. Forms

Student Code of Conduct Appeal Form

E. Document History

<table>
<thead>
<tr>
<th>Date</th>
<th>Approval/Review/Key Change(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>May 30, 2019</td>
<td>NEW</td>
</tr>
<tr>
<td>October 15, 2020</td>
<td>Revision to Reviewing Authority with interim structure</td>
</tr>
<tr>
<td>March 9, 2021</td>
<td>Revision of Reviewing Authority to VP, Student Success</td>
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