

Policy Title:	Appeals for Non-Academic Discipline Policy
Policy Number:	1301

1. Policy Statement

University of Niagara Falls Canada (UNF) adheres to principles of administrative law and natural justice. This policy describes mechanisms for students to appeal a decision made about non-academic disciplinary matters that they believe is unjust or has inappropriate consequences. Typically, these are infractions of the Student Conduct Policy.

2. Purpose

The purpose of this policy is to provide the framework within which students have the right to be heard in a fair and impartial manner regarding decisions about their non-academic misconduct, which impact their student record, standing and/or continuance within the University community. The decisions eligible for appeal include the imposition of sanctions as specified in the Student Conduct Policy that may range from verbal warnings up to and including expulsion from the University.

3. Scope

Students who have had sanctions imposed as a result of alleged non-academic misconduct and who are dissatisfied with the decisions must follow the designated processes for review and appeal. At each level of appeal, the student must provide a written basis for the appeal.

All members of the University community are expected to use informal reviews as the preferred method to resolve disputes as close to the decision point as possible. Only in circumstances where a resolution is not reached through informal review shall the student initiate a formal appeal.

All notices to students about decisions which impact their academic standing at UNF must include notice of the right to appeal.

The student must first appeal the decision with the individual who imposed the original sanction. The student must appeal within 10 working days of the original decision.

4. Appeals Process

Students must submit the appeal in writing to the Manager of Student Affairs. The appeal must include:

- The date of submission and a summary of the decision(s) made and the name(s) and role(s) of the person(s) making the decision(s);
- A clear, precise statement of the decision being appealed;
- The reasons the student believes the appeal should be heard; and
- The remedy or relief the student is seeking.

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The Manager of Student Affairs completes the review within 14 days of receipt of the request for the appeal and makes a decision on the appeal to either uphold, modify, or rescind the original decision. The Manager of Student Affairs provides the student with a written decision including the rationale and facts upon which it is made.

If in the student's opinion the decision of the Manager of Student Affairs is unjust, the student may then appeal to the Vice President Academic. This appeal must be submitted within 7 days from the date of last written decision. The student has the right to be accompanied by another student when appealing to the Vice President Academic.

The Vice President, Academic completes the review within 14 days of receipt of the request for the appeal and makes a decision on the appeal to either uphold, modify, or rescind the original decision. The Vice President, Academic provides the student with a written decision including the rationale and facts upon which it is made, with a copy to the Registrar for the student's record.

If the student believes the decision of or sanction imposed by the Vice President, Academic is unjust, the student may submit a final formal appeal to the President. The student must submit the appeal via the Registrar's Office within 30 days of notice of the written decision or disciplinary action taken by the Vice President, Academic.

The President reviews the process and the decision. The appeal must include:

- The date of submission and a summary of the decision(s) made and the name(s) and role(s) of the person(s) making the decision(s);
- A clear, precise statement of the decision being appealed;
- The reasons the student believes the appeal should be heard; and
- The remedy or relief the student is seeking.

An appeal to the President may be dismissed by reason of delay if it is over 30 days from the original date of notice of disciplinary action.

The Registrar shall review the appeal submission within 5 working days to ensure it is complete, and not frivolous or vexatious. If its merit is upheld, the Registrar refers to the appeal to the President.

The student has the right to be accompanied by another student when the matter is before the President.

The President will investigate and provide a decision within 14 days of receiving the appeal. The

President considers the appeal in relation to the fairness in the previous decisions and/or sanctions.

The President renders a decision and either upholds, modifies, or rescinds the original decision. The President provides the appellant with a written decision via the Registrar, including the rationale and facts upon which it is made, with a copy of all documentation to the Registrar for the student's record. The decision of the President is final and binding.

All communications from the President to an appellant will be confirmed clearly and in writing, with the documentation retained by the Registrar's Office.

Media are excluded from appeals.

5. Definitions

These definitions apply to terms as they are used in this policy.

Word/Term	Definition
Appeal	An official and written request by the appellant for a formal review of decisions and/or sanctions imposed by the University.
Non-academic behaviours	Any student behaviours that occur either inside and outside the classroom, on-line, or in any university-related activity, such as meetings, placements or on campus, and which are not directly related to academic activities or performance.
Sanction	A formal penalty or restriction imposed on the student as a result of inappropriate behaviours, the severity of which vary according to the specifics of the offence.

6. Related policies

Student Complaint Resolution Policy.
Final Grade Reviews and Appeals Policy.
Admissions Policy.
Misrepresentation of Student Documentation Policy.
Student Conduct Policy.

7. Responsibility

The President is responsible for ensuring there is an appropriate final appeal forum for non-academic appeals.

Students are responsible for familiarizing themselves with UNF policies and expectations regarding non-academic conduct and the Student Conduct Policy.

All members of the UNF community are responsible for identifying and reporting non-academic misconduct to the Manager of Student Affairs.

Students are responsible for deciding whether to appeal a decision or to abide by the sanctions imposed. They are also responsible for assembling and submitting all required documentation within the time limits.

The Manager of Student Affairs is responsible for conducting first stage appeals and for providing

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written decisions to both the student and to the Registrar's Office for the record. The Manager of Student Affairs is responsible for providing complete and factual documentation on the review, including a decision with penalties specified (if any). The Manager of Student Affairs also must also provide a written copy of the formal decision for the student's record.

The Vice President Academic is responsible for receiving and considering applications for appeals from students who consider results of previous decisions and/or sanctions unjust. The Vice President Academic is responsible for advising the student of the decision and of the right to appeal to the President. The Vice President Academic is also responsible for providing a copy of the appeal decision to the Registrar for the student's record.

The Registrar is responsible for reviewing the appeal to ensure it is complete and is not frivolous or vexatious and for submitting the appeal to the President.

The President is responsible for considering the cases of students who have filed a formal appeal of non-academic conduct decisions. The President is responsible for rendering an objective decision about the appeal, including specific sanctions, if any, and in advising the appellant of the outcome via the Registrar.

The President is responsible for documenting the process and outcomes, including providing clearly articulated reasons for their decision to uphold, modify or rescind sanctions and in advising the Registrar of the outcome.

The Registrar is responsible for communicating the President's decision to the student. The Registrar is responsible for retaining all records related to appeals and for destroying materials returned by the President. The Registrar keeps any correspondence as part of the student's permanent record. The Registrar is the sole custodian of the record of an appeal.