

STUDENT JUDICIAL AFFAIRS POLICY

This document is the parent policy for any College or Divisional procedures. Questions regarding this policy are to be directed to the identified Policy Administrator.

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| Functional Category: | Academic |
| Approval Date: | May 21, 2020 |
| Effective Date: | May 21, 2020 |
| Policy Owner: | Chief, Customer Experience Officer |
| Policy Administrator: | Director, Customer Care |

Objective:

The Student Judicial Affairs Policy governs student academic and non-academic behaviour, performance, and integrity, and provides a means for dispute resolution.

This policy establishes student rights and responsibilities, derived from the overarching Code of Conduct for NorQuest College (college). The policy also directs and standardizes the quasi-judicial procedures that govern student issues requiring a resolution mechanism and, where appropriate, the application of sanctions. This policy specifically governs dispute resolution procedures in cases involving academic and non-academic misconduct, grade appeals, and student complaints.

This policy applies to all NorQuest College students.

Authority to establish this policy is derived from the NorQuest College Board of Governors Policies:

- [No. 5](#), which delegates authority to the President and CEO to establish policies and procedures for the college's management and operation, and
- [No. 8](#), which requires the President and CEO to establish policies and procedures to ensure that college students comply with the college Code of Conduct.

Policy:

NorQuest College is committed to maintaining high standards of non-academic conduct and academic performance and integrity, in order to foster a learning environment conducive to the personal, educational, and social development of its students. This commitment is founded upon the principles of fairness, trustworthiness, honesty, respect, and responsibility. The college expects that its students will be guided at all times by these principles in the work that they submit and the behaviour in which they engage. As members of this learning community, students have both fundamental rights and consequential responsibilities that NorQuest commits to protect and enforce under the provisions of the specific procedures related to this policy for the benefit of the entire college community.

Student Rights

Students have the right to:

- An educational environment that is safe, secure, and conducive to learning, and protects students from discrimination, harassment, indignity, or injury.
- The protection of their privacy according to college policy and privacy legislation.
- Reasonable and legitimate access to statements of college policies and procedures.
- Due process and procedural fairness in any investigation of alleged improper student conduct or alleged violations of college policy.

- Freedom of inquiry, expression, belief, political association, and assembly, provided that they are lawful and do not interfere with the rights of others or with the effective operation of the college or violate college policy.
- Reasonable and legitimate access to college buildings and facilities.
- Membership in an independent students' association, and participation in its governance and activities, subject only to its by-laws.
- Timely and accurate information about the content and requirements of their courses and programs.
- The availability of their instructors for assistance outside of scheduled class periods at mutually agreeable times and through mutually acceptable modes of communication.
- Reasonable and supervised access to their official student records as contained in their permanent file.
- Consult any written submission for which a mark has been assigned and to discuss the submission with the examiner.
- Request an impartial review of any grade.

Student Responsibilities

Students have a responsibility to:

- Assist in making the college learning community respectful, safe, and inclusive by personally refraining from (and discouraging in others) conduct that threatens or endangers the health, safety, well-being, or dignity of any person(s).
- Exercise their rights and freedoms with integrity, respect for the rights of others, and acceptance of accountability for their words and actions, whether acting individually or as a member of a group.
- Abide by all relevant college policies and participate in related procedures, as required.
- Familiarize themselves with academic regulations, including graduation and program completion requirements.
- Comply with the policies of any employer or host organization where the student is involved in a work placement, site visit, practicum, or clinical placement.
- Respect the property of others, including the college's buildings and facilities.
- Conduct themselves honestly in their academic work and responsibly in their non-academic behaviour.
- Comply with all requirements set out in course outlines, assignments, tests, and examinations.
- Adhere to class attendance policies and notify instructors in a timely manner of unavoidable absences.
- Participate in class activities, as instructed.
- Respect the instructor's right to determine course content, instructional methodology, and evaluation.
- Respect the instructor's right to manage the classroom and to set norms for acceptable behaviour.
- Maintain timely and respectful communication with appropriate college offices and personnel, whether in-person or through electronic means.

In addition to these rights and responsibilities, students must familiarize themselves with the college's overarching Code of Conduct, as stated in Board of Governors Policy No. 8, which applies to all members of the college community.

Adjudication Principles

The procedures related to this policy delineate the college's expectations of students' academic and non-academic behaviour. They also establish the jurisdiction of all hearing panels, the acceptable grounds for appeal, and the process for adjudicating cases and determining sanctions. In all cases, the principles of natural justice and procedural fairness will be observed.

The following principles will guide the procedures for adjudicating student complaints.

- Every effort will be made to resolve complaints informally and at the level(s) closest to the source of the complaint.
- Cases will be processed in a timely manner.
- Formal proceedings will not be conducted as cases in law.
- Every effort will be made to maintain a respectful and non-adversarial approach to all proceedings.
- Sound decisions will not be set aside on the basis of minor irregularities.
- Trivial and vexatious complaints will be denied.
- All parties are bound by the requirements of confidentiality as governed by college policy and privacy legislation.

Student Procedural Rights

Students who are subject to these procedures are entitled to certain fundamental rights:

- To have both the standards of acceptable conduct and the consequences of violations communicated clearly.
- To be advised in a timely manner of any allegations of misconduct.
- To be presumed not to have committed an act of misconduct until the alleged incident(s) has been established on a balance of probabilities before an impartial and unbiased decision-maker(s).
- To have any alleged incident adjudicated within a reasonable time.
- To be given a reasonable opportunity to respond to any allegations prior to a decision being rendered in the case.
- To be provided reasonable notice of the time, place and nature of any hearing.
- To have access to relevant information regarding the allegation(s) within a reasonable time prior to any hearing.
- To be accompanied by an attendant at any meetings or hearings related to the alleged misconduct.
- To choose whether or not to provide evidence or to be a witness in the case against oneself.
- To present evidence, call witnesses, and question any witnesses called, acting reasonably.
- To be advised in writing of the decision, including the basis for the decision and the sanction(s) to be imposed.
- To be informed of the relevant appeal procedures.

Student Procedural Responsibilities

Students who are subject to these procedures have certain fundamental responsibilities:

- To familiarize themselves with Student Judicial Affairs policy and procedures and govern their conduct in accordance with it and all other relevant policies, rules, and regulations of the college.
- To participate, as appropriate, in the process for adjudicating cases of alleged misconduct.
- To make every reasonable effort to adhere to stated timelines and sequential steps in the procedures.
- To access available resources provided by the college and the Students' Association to assist in the process.

Definitions:

Attendant: an individual (e.g., an Association representative, counselor, colleague, or family member) selected by the complainant or respondent to consult with, accompany, or assist, at any meeting or hearing related to the incident. The attendant(s) may observe but may not participate in any proceedings without the permission of a designated college official.

Balance of probabilities: the standard applied in quasi-judicial proceedings wherein the evidence as a whole shows that the fact sought to be proved is more probable than not.

Class: any period of instruction, including but not limited to lectures, laboratories, practical, clinical placements, work experience placements, or examinations.

Course: a series of prescribed learning outcomes and the learning activities to achieve those outcomes organized within a specific subject area.

Discrimination: an action or behaviour that results in unfavourable, adverse treatment or preferential treatment related to prohibited grounds. Examples of discrimination include (but are not limited to): refusal to provide goods, services, or facilities; exclusion from employment or employment benefits; refusal to work with, teach, or study with someone; or failure to provide physical access.

Grounds for appeal: appeals, where applicable in the relevant procedure, are only considered if one or more of the following grounds can be demonstrated: a) alleged bias of a member of a hearing panel; b) alleged breach of the principles of natural justice or procedural fairness; or c) substantial new evidence unavailable at the initial hearing. All decisions made by appeal panels are final.

Harassment: Means any single incident or repeated incidents of objectionable or unwelcome conduct, comment, bullying or action by a person that the person knows or ought reasonably to know will or would cause offence or humiliation to a worker, or adversely affects the worker's health and safety. This may include (i) conduct, comment, bullying or action because of race, religious beliefs, colour, physical disability, mental disability, age, ancestry, place of origin, marital status, source of income, family status, gender, gender identity, gender expression and sexual orientation, and (ii) a sexual solicitation or advance, but excludes any reasonable conduct of an employer or supervisor in respect of the management of workers or a work site.

Harassment can occur between peers, students, student to faculty, faculty to student, persons in position of power, and between other individuals. Examples of harassment include (but are not limited to): gestures; remarks; jokes; taunting; innuendo; display of offensive materials; offensive graffiti; threats; verbal or physical assault; unwarranted imposition of academic penalties; hazing; stalking; shunning or exclusion.

Instructor: any college member who provides credit or non-credit instruction for any course.

Jurisdiction: the authority vested in or delegated to individuals under college regulations to adjudicate cases according to institutional policy and procedures.

Natural justice: the requirement that any person alleged to have violated a policy or regulation a) have the right to know the case against them and to have an opportunity to present their side of the case; b) have any hearing be free from a conflict of interest; and c) have their case heard in an unbiased manner.

Notice: written notice delivered by any reasonable means.

Procedural fairness: the requirement that, at a minimum, a) standards and consequences be communicated clearly and be applied consistently and equitably; b) there be a presumption of innocence; c) the case be adjudicated in a timely manner; d) adequate support be provided; e) sanctions be commensurate with the offence; and f) there be access to appeal procedures based upon clear criteria.

Quasi-judicial procedure: a formal institutional process for hearing complaints and alleged contraventions of college policies or regulations, which results in a resolution based upon a balance of probabilities and, where appropriate, enforceable sanctions.

Reasonable: moderate and fair in the circumstances.

Sanctions: a punishment or penalty imposed as a result of violating a policy or regulation.

Student: (for the purposes of this policy): Any individual who is or has been registered in any program or enrolled in any course(s) within the past twelve months or for any future terms whether credit or non-credit at NorQuest College. Another term for student is Learner.

Vexatious: without reasonable or probable cause or excuse. A vexatious complaint is one in which the party bringing the proceeding is not acting bona fide and merely wishes to annoy or embarrass his opponent, or when it is not calculated to lead to any practical result.

Related NorQuest College Information:

- [Academic Grade Appeal Procedure](#)
- [Academic Misconduct Procedure](#)
- [Non-Academic Misconduct Procedure](#)
- [Respectful Workplace and Learning Environment Policy](#)
- [Student Complaints Procedure](#)

Related External Information:

- [Canadian Charter of Rights and Freedoms](#)
- [Freedom of Information and Protection of Privacy Act](#)
- [Post-Secondary Learning Act](#)

Next Review Date:

December 2024

Revision History:

June 2012: new
 August 2013: update for document links and branding
 December 2013: update for policy name and administrator
 November 2014: update for document links
 December 2015: revised
 August 2019: Compliance Office template & reorganization update
 December 2019: update to the definition of Harassment
 May 2020: revised including update to definition of Student