

RESIDENCE COMMUNITY LIVING STANDARDS

2017/2018

Niagara College Residence - NOTL Campus, 137 Taylor Road SS#4, Niagara-on-the-Lake, ON L0S 1J0
Niagara College Residence - Welland Campus, 110 Niagara College Boulevard, Welland, ON L3C 7L4

The residence community is a place that promotes a safe and peaceful environment that supports the academic success of Residents as well as their personal and social development. We aim to ensure that it is inclusive, responsible, and respectful. The Residence Community Living Standards (RCLS) has been created in consultation with students and staff at colleges and universities across Canada to ensure the residence environment achieves this goal.

Within the RCLS, the following items are discussed and defined:

1. **The People in the Residence Community** (the Residence Staff and their roles)
2. **Objectives of the Residence Community Living Standards** (our goals for the community)
3. **Rules that Affect You in Residence** (residence rules, Niagara College policies & Canadian laws)
4. **Residence Citizenship** (your rights, responsibilities and privileges)
5. **Offenses and Sanctions** (rules and consequences)
6. **Judicial Procedures** (incident reports, meetings, and appeals)

1. THE PEOPLE IN THE RESIDENCE COMMUNITY

Our Residence Staff work hard to ensure that you have a positive experience in residence and at Niagara College. Below is a list of some of those people and their roles. The objectives of the RCLS, which is explained in the next section of this document, is our expression of the commitment we make to ensuring everyone has a positive experience in residence.

GENERAL MANAGER (GM)

The General Manager is responsible for the operation of all facets of the Niagara College Residences at Niagara-on-the-Lake and Welland. The GM is committed to ensuring that your overall experience in residence is a safe, enjoyable and successful one.

RESIDENCE SERVICES SUPERVISOR

Many of the day-to-day activities in the residence are overseen by the Residence Services Supervisor. One Manager is situated at Niagara-on-the-Lake and one is located in Welland. If you have any questions or concerns related to your stay in residence please do not hesitate to contact them.

RESIDENCE LIFE COORDINATOR (RLC)

The RLC is responsible for all matters related to student life, including overseeing the residence life program, providing support services to students, and administering the judicial process associated with the RCLS. The RLC also supervises the Resident Advisors and volunteers working in residence.

RESIDENT ADVISORS (RA)

The role of RA is filled by returning students who live in the building and plan educational and social activities in the residence. RAs provide valuable support and guidance to residents, while at the same time acting as a liaison with Residence Management. The RAs complete nightly rounds of the building and are available through the Residence Life Office or the Front Desk. RAs have the tools and knowledge to get you the answers, direction and/or assistance you need, or can simply be someone to talk to.

2. OBJECTIVES OF THE RESIDENCE COMMUNITY LIVING STANDARDS

- **To create a safe, secure, responsible and respectful community** by outlining the positive standards of behaviour expected within the residence community and holding Residents and their Guests accountable for behaviour that violates these standards and encouraging Residents to resolve their community living issues in a mature fashion.
- **To create an environment conducive to academic success** by promoting behaviour among Residents and their Guests that creates an effective learning environment.
- **To create an environment conducive to personal growth and development** by educating Residents about the effect that their choices may have on themselves and others around them and providing Residents with an opportunity to learn from their behaviour.
- **To create a fair environment** by following the Principles of Natural Justice and Procedural Fairness and clearly defining the standards and processes that Residents, Guests and Staff are expected to follow.

3. RULES THAT AFFECT YOU IN RESIDENCE

Residence policies and procedures are set guidelines for students that live in residence on Niagara College's campus. These are detailed in the Student Residence Agreement, the residence website, and the RCLS. Niagara College practices are related to an individual's status as a student of Niagara College and their behaviour on campus, which includes residence. Therefore, as a residence student your actions in residence can also affect your status with the College.

Municipal, Provincial and Federal laws and by-laws are related to you being a citizen in the city, province and country. The standards outlined by Residence and Niagara College are informed by these laws. Residence and Niagara College Staff aim to ensure that all of these standards of behaviour are respected and maintained.

Normally the Residence policies and procedures and Niagara College's policies and procedures act independently of one another. However, Residence shares all reports alleging RCLS violations with Niagara College. In situations that create a concern for the safety and security of students in residence and on campus, all important information will be shared between appropriate Residence and Niagara College officials. In serious cases, allegation(s) may be investigated by both the Residence and Niagara College and the student will be subject to the sanctions under both sets of policies and procedures.

For more information about Residence and Niagara College practices please refer to the Niagara College Practices website, www.niagaracollege.ca/practices, for details about:

- Student Rights and Responsibilities
- Student Discipline Associated with Disruptive Behaviour

SCOPE & APPLICATION

The RCLS apply to all Residents and their Guests. They are in effect:

- on Residence property, including in all Residence buildings and the grounds of the Residence;
- at off-campus events sponsored by Residence or a recognized student leadership group in residence;
- when the conduct of a Resident has a substantial link to Niagara College, direct implications for the proper functioning of Residence; the well-being of Residents; the educational mission of Niagara College; or the interests or reputation of Residence and/or Niagara College. This includes any behaviour observed or carried out through an online medium, by using text, audio, video or images, including but not limited to Facebook, YouTube, Instagram, and Twitter will be treated as an Offense detailed within these standards.

AUTHORITY

The RCLS is intended to be clear to all readers. If you have a question, consult a Residence Staff member, as they have the authority to interpret the Standards.

The RCLS attempts to identify a range of behaviours that constitute Offenses. Residence reserves the right, in extraordinary circumstances, to identify and sanction conduct that may not be specifically described, but which clearly does not support the stated Objectives of the RCLS or Niagara College Practices.

PROTECTION OF PRIVACY

Residence respects the privacy and personal information of residence students and will comply with the Freedom of Information and Protection of Privacy Act regarding the gathering, retention, safeguarding and disposal of personal information. All concerning behaviours and allegations of offenses documented in Residence Reports will be made available to the Resident, Campus Security and the Office of the Director of Student Services as guided by legislation, upon request. All Residence reports, files and records, both paper-based and electronic, will be kept for seven (7) years after the termination of the Student Residence Agreement.

4. RESIDENCE CITIZENSHIP

You are a citizen of the residence community and a student of Niagara College. You therefore have certain rights and responsibilities. Your privileges are yours to maintain by respecting the rules of Residence and Niagara College. Rights should NOT be confused with Privileges. As a good citizen of our Residence Community, you acknowledge in a responsible way your rights, responsibilities and privileges as well as the rights, responsibilities and privileges of others. We hope that you participate in the community in a positive way and you do your part to create and maintain an environment that encourages academic success and social growth.

RESIDENTS' RIGHTS

Within the Residence Community you, as a Resident, have the right to:

- enjoy the rights and freedoms recognized by law, subject only to restrictions that ensure the welfare and advancement of the Residence Community, as detailed in the RCLS,
- be free from discrimination, on the basis of race, ancestry, religious beliefs, physical ability, marital status, colour, place of origin, gender, mental disability, family status, source of income, age or sexual orientation,
- enjoy an atmosphere intended to remain free from behaviour which is reasonably interpreted as unwelcome; including (but not limited to) remarks, jokes or actions which demean another person and/or deny individuals their dignity and respect,
- study, work, read and sleep in your unit/suite/room without undue interference from roommates or others,
- occupy your assigned unit/suite/room and use its furniture, effects and services,
- access to your assigned room/unit,
- expect that unit/suite/roommates will respect your personal property,
- expect reasonable cooperation from others when you are sharing common rooms/facilities,
- live in a clean environment, requiring a joint and equitable effort from you and your unit/suite/roommates,
- reasonable privacy from unit/suite/roommates or others,
- have your concerns considered by Residence Staff,

- (l) have all reported offenses investigated in a reasonable amount of time and efficient manner,
- (m) expect confidentiality from Residence Staff with regards to all personal and student conduct related information.

RESIDENTS' RESPONSIBILITIES

With your rights come corresponding expectations of behaviour within the Residence Community. As a Resident you have the responsibility to:

- (a) read, understand and abide by Niagara College Calendar, codes, practices and regulations, guidelines and processes, including the Student Residence Agreement, the residence website, and the RCLS,
- (b) recognize the authority of all Residence and Niagara Staff acting in the scope of their position and to be responsive and cooperative in all dealings with them,
- (c) treat with respect, civility, courtesy and consideration all Residents, Residence Staff and Niagara College Officials and conduct yourself in a way that permits them to be successful academically and/or perform their duties,
- (d) take all actions associated with good citizenship, including reporting violations of Residence and Niagara College Practices, and taking all reasonable measures to ensure the safety and security of the Residence Community,
- (e) seek help or resources to protect and ensure your personal health, safety and wellbeing, including addressing issues of self-harm which have the potential to occur by action or neglect, including self-abuse, eating disorders, suicide attempts, underage drinking, alcohol abuse or negligence related to health, hygiene or medications,
- (f) attempt to resolve unit/suite/room/community problems on your own before you ask your RA to assist you in this process,
- (g) conduct yourself and contribute in a positive and productive way to the Residence Community through active participation,
- (h) respect the rights, privileges and privacy of your unit/suite/roommates, work with them cooperatively to keep your unit in a clean and tidy condition,
- (i) respect the rights, privileges and property of all other Residents and their Guests, and of the neighbouring community,
- (j) take full responsibility for the conduct of Guests, accompany them at all times within the Residence Complex and ensure that Guests are aware of, and abide by, Residence and Niagara College practices,
- (k) conduct yourself in a way that ensures the Residence facilities and grounds are kept in good condition, including keeping your assigned room and suite common areas in a clean and sanitary condition,
- (l) secure your personal property and obtain personal contents insurance,
- (m) permit Residence or Niagara College Staff or its officers entry when there is a reasonable apprehension of danger or harm, or for the purpose of inspecting the condition of the unit/suite/room and its contents,
- (n) be solely liable to Niagara College for any loss or damage to your room and its furniture, telephone and effects of Niagara College; liable for loss or damage to the public facilities, furniture and equipment of the Residence, including Common Areas; and liable for any damages caused by Guests,
- (o) actively check your mail, voicemail, and email accounts registered with the residence on a regular basis for messages from Residence Staff,
- (p) carry your Niagara College ID and show it when requested by Residence or Niagara College Staff.

RESIDENTS' PRIVILEGES

Privileges enhance the lifestyle in Residence because they add to the pleasure of the academic and social experience. Privileges are granted to Residents upon arrival, based on the principle that Residents are expected to conduct themselves in accordance with the RCLS. There is an important difference between Rights and Privileges. You can expect your Rights to be respected all the time, and you can maintain Privileges with behaviour in accordance with our RCLS. Privileges can be taken away through the judicial process if conduct does not comply with our RCLS.

It is a privilege for you to:

- (a) live in Residence,
- (b) use the Common Areas and Facilities and their furniture, equipment, effects and services,
- (c) have unit/suite/room assignments to live with your friends,
- (d) to live in Residence in future years,
- (e) consume alcohol within your assigned unit/suite/room or as a guest in another resident's unit/suite/room, and only if you are of the legal drinking age,
- (f) use approved sound broadcast equipment, musical instruments, computer speakers, or subwoofers,
- (g) invite and host Guests in Residence,
- (h) be a Guest in areas outside your assigned room/unit/building and/or enjoy access to the Residence Complex, outside your assigned room/unit/building,
- (i) participate in events and activities facilitated or sanctioned by Residence.

5. OFFENSES AND SANCTIONS

An offense is any unacceptable conduct, actions or neglect that violates the RCLS, Student Resident Agreement or Niagara College's Practices. Offenses are described and classified based on three levels of increasing severity. Sanctions are the consequences for offenses, which are described in detail in subsequent sections of the RCLS. At each level of offense and/or after repeated offenses the severity of the sanctions will increase.

Level 1 Offenses: Actions that interfere with the rights of another individual or community to the peaceful use and enjoyment of their space in residence. Normal Point Range: 1-2

Level 2 Offenses: Actions that create a significant nuisance and/or disturbance to an individual or community and/or repeated level one offenses. Normal Point Range: 2-4

Level 3 Offenses: Actions that endanger the safety and security of an individual; significantly compromise or damage personal or Residence/ Niagara property; attack the dignity/integrity of an individual; contravene the laws of the land; and/or repeated level two offenses. **Any Level 3 Offense may warrant an eviction.** Normal Point Range: 4-6

THE POINT SYSTEM

The point system is designed to help define the seriousness of specific behaviours and where a Resident stands in the disciplinary process (i.e. how far away they are from eviction). All offenses are associated with points ranging from a value of 1 through 6. All offenses have a minimum value of one point. The assigned number of points will depend upon the incident and/or its severity. Points remain on record for 365 days from the date of issue, or as stipulated upon eviction. After a Resident has been found responsible for an offense, the Resident will usually also be responsible for educational, restorative, or punitive sanctions. In some circumstances, points may be removed after the completion of educational or restorative sanctions. Within the Point System, the progressive disciplinary process is summarized by the following table:

Points Accumulated	Stage in Disciplinary Process
1 - 4	Warning
5 - 8	Probation (may include behavioural contract, suspension, denial of re-admission to residence)
9 +	Eviction (Exception: Any Level 3 Offense could warrant an eviction even if the point accumulation is less than 9)

OFFENSES

The offenses listed in the RCLS summarize policies stated in the Student Residence Agreement (SRA) and are found to be consistent with Niagara College Practices. Where applicable, reference is made to these policies.

1. ADVERTISING, SOLICITING, CAMPAIGNING AND SELLING

Note: Residents or other community members who wish to campaign or advertise activities associated with the Residence or Niagara College is required to speak with a Residence Staff member to seek permission to do so.

LEVEL 1 (1 - 2 points)	<ul style="list-style-type: none"> a) Displays in windows or other prominent places promoting alcohol, illegal substances, pornography, or other inappropriate activities or messages. b) Unauthorized advertising, soliciting, promoting, or selling of products, events and services in Residence. c) Unauthorized campaigning in Residence.
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2. ALCOHOL

LEVEL 1 (1 - 2 points)	<ul style="list-style-type: none"> a) Open alcohol, where prohibited. Open alcohol, where prohibited. Alcohol is only permitted to be consumed in individual residence rooms/suites. b) Possession of single serving glass containers (i.e. beer bottles, coolers). c) Possession of drinking and/or drinking game paraphernalia, including but not limited to funnels, beer bong, beer pong kits or tables, etc. d) Possession of 'common source' large volume alcohol containers. A large volume alcohol container is defined as: (a) a container that holds more than 500mL of beer or (b) a container that holds more than 1.18L (40 ounces) of any type of alcohol other than beer (such as wines and spirits). Examples of 'common source' alcohol containers include kegs, mini kegs, and Texas Mickey's.
LEVEL 3 (4 - 6 points)	<ul style="list-style-type: none"> e) Consumption or possession of alcohol by residents and guests under the legal drinking age or those on alcohol probation. The legal drinking age in Ontario is 19 years. f) Drinking games or promotion of a social function, activity or contest in which the consumption of beverages is either the primary focus or used as a penalty, typically in response to a specified cue or prompt. g) Imposing the physical effects of intoxication on the Residence Community, for example vomiting, passing out, or aggressive or significantly disruptive behaviour. h) Making or selling alcohol in residence. i) Purchasing or supplying persons under the legal drinking age with alcohol. j) Influencing, forcing and/or promoting the consumption of alcohol by a resident and/or guest on another.

3. CLEANLINESS

LEVEL 1 (1 - 2 points)	<ul style="list-style-type: none"> a) Littering b) Failure to keep common areas in a clean and sanitary condition after use. c) Improper disposal of refuse, including leaving garbage bags outside of your unit/suite/room or outside of designated garbage areas. d) Collection of empty containers, bottles or cans that is judged by Residence Staff, for sanitary reasons, to be beyond recycling purposes. e) Failure to (follow disposal instructions of) dispose of recycling, garbage and/or organics appropriately; including, but not limited to leaving garbage/recycling bags, leaving items on compactor floor, bagging organics with a non-organic bag, failure to break down cardboard, failure to separate recycling/garbage/organics into their designated disposal areas.
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4. DAMAGES AND VANDALISM

LEVEL 2 (2 - 4 points)	a) Marking any surface through action or neglect, that is not deemed normal wear and tear. b) Actions or neglect that leads to or has the potential to lead to damaging, offensive, or harmful problems in Residence, including water damage, odours, and insect/rodent infestation. c) Failure to keep your Residence furniture, fixtures and appliances in a good state of repair.
LEVEL 3 (4 - 6 points)	d) Behaviour that causes, or has the potential to cause significant damage through action, carelessness or negligence. e) Willful damage, vandalism, graffiti or neglect that leads to damage to the residence, Niagara College or private property.

5. DISRUPTIVE BEHAVIOUR

LEVEL 1 (1 - 2 points)	a) Throwing, dropping, kicking or knocking objects from/at residence buildings, windows, or stairwells, whether intentional or unintentional. b) Participating in physically-active games or sports inside residence or within the Residence grounds which could disturb residents, staff or the surrounding community or cause damage to facilities or personal injuries.
LEVEL 2 (2 - 4 points)	c) Creating or permitting behaviour in Residence which is a nuisance or annoyance to Residents, Residence Staff, the surrounding community, or to the supplier of services authorized by Residence or Niagara College. This includes pranks/raids or similar actions that could be damaging to personal, Residence or Niagara College property or reputation.

6. FACILITIES AND FURNITURE

LEVEL 1 (1 - 2 points)	a) Removal of furniture, appliances, window screens or other fixtures from assigned rooms/units or common spaces and placing them elsewhere.
LEVEL 2 (2 - 4 points)	b) Alteration, renovation or removal of Rooms, furniture, or equipment. c) Installation of unauthorized furnishings, equipment or devices. This includes internet, phone, and cable. d) Failure to keep access clear to electrical panel, heating unit and maintenance access.

7. GUESTS & VISITORS

- Residents must sign in their guests at the front desk before they enter the residence.
- The guest must show one piece of photo identification to the front desk staff.
- No visitors will be granted access into the Residence after 2:00am.
- Residents may sign-in up to two (2) guests at a time.
- While each guest is in the Residence, the Resident must remain in the company of the guest at all times until the guest is signed out.
- The guest must sign-out and collect photo identification with the front desk each time they leave residence property, regardless of the length of time spent off property.
- Guests are permitted up to a maximum of two (2) consecutive nights and no more than ten (10) nights in any one (1) given month.
- Guests should not in any way interfere with the rights of a roommate or other Resident to privacy, access, sleep or study at any time or anywhere within the Residence.
- Any non-resident who is invited to, accompanied on, accepted or admitted to the residence property is deemed to be a guest of that Resident.
- Failure to be present does not mitigate or relieve the resident's responsibility for their guest's behaviour. Residents are responsible for their guest's behaviour whether they participated in, condoned or were aware of that guest's behaviour or not. The specific sanction(s) will be determined by the list of possible sanctions for the offense(s) committed by the guest.
- The Residence requires any guests 16 years or younger visiting the residence without a parent/guardian to have a signed form of consent from their parent/guardian. This form will also include contact information for the parent/guardian. The Residence reserves the right to call a parent/guardian in the event of a medical emergency or due to behavioural conduct.

LEVEL 1 (1 - 2 points)	a) Failure to sign-in/sign-out Guests at the front desk. b) Failure of Resident to be with their Guest at all times in Residence. c) Permitting a guest to stay over the limit of two (2) nights consecutively or ten nights (10) in any given month (1) without approval from management.
LEVEL 2 (2 - 4 points)	d) Hosting a Guest during Niagara College's Orientation Week or when Exam Quiet Hours are in effect. e) Living or permitting someone else to live in a room/unit without an approved assignment from Residence.
LEVEL 3 (4 - 6 points)	f) Hosting a guest who violates the RCLS. All residents are responsible for the actions and behaviours of guests signed in with them at all times while in the Residence. g) Host a guest who has been issued a trespass, or similar notice restricting them from the residence property.

8. HARASSMENT AND DISCRIMINATION

Note: Every individual has a right to a safe, respectful environment that is free from attacks on their dignity/integrity. Harassment is defined as any attention or conduct (oral, written, graphic, electronic or physical) by an individual or group who knows, or ought to reasonably know, that such attention or conduct is unwelcome, unwanted, offensive or intimidating. Bullying and hazing will be considered harassment under this policy

LEVEL 2 (2 - 4 points) & LEVEL 3 (4 - 6 points)	a) Failure to abide by the Niagara College Code of Conduct or related legislation or policies which defines harassment and discrimination. b) Any conduct that could be deemed as bullying, including cyber bullying, or bullying on social media be it via a group or an individual. c) Any statement, action, or display that could be deemed as inappropriate or derogatory towards an individual or a group.
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9. ILLEGAL SUBSTANCES & ACTIVITIES

Note: Any observations about the behaviour, speech, odours or physical surroundings of an individual that cause suspicion of illegal activity will be investigated and/or reported.

LEVEL 1 (1 - 2 points)	a) Possession of paraphernalia associated with the use of illegal substances including but not limited to bong, pipe, roach clip, vaporizer, ash tray and grinder.
LEVEL 2 (2 - 4 points)	b) Using or being under the influence of an illegal or un-prescribed substance or residence.
LEVEL 3 (4 - 6 points)	c) Possessing, making, selling or otherwise distributing an illegal or un-prescribed substance or residence. d) Possession or use of medication for purposes other than those for which they were prescribed e) Any behaviour or activities that contravene the laws of the land

10. NOISE AND QUIET HOURS

Noise levels at any time should not detract from any Residents ability to pursue academic endeavours or to enjoy a peaceful living environment. An individual's right to reasonable quiet supersedes another's right to make noise. The following items are prohibited: large musical instruments (i.e. drum sets), surround sound systems or noise producing devices such as subwoofers and PA systems.

Consideration Hours are in effect 24 hours a day, 7 days a week.

Quiet Hours are observed in Residence: Sunday to Thursday: 11:00pm – 8:00am; Friday and Saturday evenings: 1:00am – 8:00am.

Exam Quiet Hours begin at 11:00pm on the Friday evening before the final examination period, which means quiet hours are extended to 23 hours a day. Residence will define a Relaxed Hour during the evening when programming by Residence Staff may occur.

As a general rule, noise from your room/unit that is audible outside your room, including in hallways, common areas, neighbouring units or buildings, will be addressed by Residence Staff during quiet hours

LEVEL 1 (1 - 2 points)	a) Non-compliance with Consideration Hours or Quiet Hours. b) Possession of large musical instruments. c) Use of musical instruments or sound equipment.
LEVEL 2 (2 - 4 points)	d) Non-compliance with Exam Quiet Hours. e) Excessive noise that interferes with the academic work of Residents and/or significantly disturbs the residence community and/or our neighbouring communities.

11. PETS

LEVEL 2 (2 - 4 points)	a) Keeping any animal or pet in residence, with the exception of fish in one small aquarium, no larger than 3 gallons.
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12. RESPECT AND COOPERATION

LEVEL 2 (2 - 4 points)	a) Failure to respond to the written or verbal direction of Residence or Niagara College Staff. b) Demonstrated lack of respect, civility, courtesy, or cooperation with a member of the residence community, including residents, visitors, residence staff, and Niagara College Staff. c) Failure to provide identification, or providing false identification when asked from a Residence or Niagara College Staff. d) Providing a false report of an incident or impeding an investigation.
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13. RESTRICTED AREAS & UNAUTHORIZED ENTRY

LEVEL 3 (4 - 6 points)	a) Unauthorized entry into restricted areas of Residence, including rooftops, basements, utility rooms, offices, etc. b) Entry into another Residents Room without the consent of that Resident.
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14. SAFETY, SECURITY AND FIRE PREVENTION

LEVEL 1 (1 - 2 points)	a) Propping open a fire door, which includes room doors. This may include using the deadbolt or another item to prevent it from locking and/or to hold the door open. b) Improper use of an emergency exit. c) Entering and exiting of Residence through windows.
LEVEL 2 (2 - 4 points)	d) Possession or use of candles, incense, lava lamps, hot plates, flame cooking devices, indoor barbeques, deep fryers and the like. Cooking devices without an automatic shutdown are not allowed in residence. e) Covering or removing smoke and/or heat detectors. f) Blocking hallways, stairwells, exits and access to fire safety equipment. g) Permitting entry of any individual (resident, non-resident or other) into Residence, either by opening a door or giving Residence keys or swipe cards to that individual. h) Overloading or tampering with electrical systems. i) Leaving food unattended while cooking. j) Unsafe storage, disposal and/or use of prescribed medication and related medical devices such as needles, prescription drugs, and pill bottles.

LEVEL 3 (4 - 6 points)	<p>k) Tampering with video surveillance equipment or systems.</p> <p>l) Possession or use of explosive or flammable material (i.e. firecrackers, fireworks and barbecue propane tanks).</p> <p>m) Discharging, tampering with, covering or operating any fire prevention or detection equipment for any purpose other than the control of a fire.</p> <p>n) Actions or neglect that leads to a fire.</p> <p>o) Failure to evacuate during an alarm.</p> <p>p) Careless driving on Residence grounds.</p> <p>q) Actions, carelessness or neglect that causes an elevator to stall and/or require repair.</p>
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15. SMOKING

LEVEL 2 (2 - 4 points)	<p>a) Smoking in residence is not permitted, including but not limited to the use of cigarettes, e-cigarettes and vaporizers.</p> <p>b) Smoking in an outdoor location on residence grounds is not permitted by Residence or Niagara College.</p>
LEVEL 3 (4 - 6 points)	<p>c) All students must follow the Ontario Law of Smoke-Free Ontario Act, S.O. 1994, c. 10. This means you must be 15 meters from the entrance/exit of the Residence.</p>

16. TECHNOLOGY MISUSE

LEVEL 2 (2 - 4 points)	<p>a) Failure to abide by Niagara College's computer and network use practices.</p> <p>b) Installing/use of a personal internet router.</p>
LEVEL 3 (4 - 6 points)	<p>c) Interference with the technology of the Residence, Niagara College or another Resident.</p> <p>d) Copyright infringement (i.e. illegally downloading music, movies or other media using the Residence internet connection).</p>

17. UNAUTHORIZED ACTIVITIES

Note: All organized events, activities or gatherings that have the potential to cause a disturbance must be approved by Residence Management to ensure compliance with fire safety, noise and other applicable policies. Residence Management will not approve any event that involves or is presumed to involve the use of alcohol or other substances.

Note 2: Maximum capacity of a residence room is defined as the number of Residents that live in the room plus 2 Guests each.

LEVEL 2 (2 - 4 points)	<p>a) Any gathering over the maximum capacity of a residence room and/or alcohol/illegal substances is being consumed as one of the primary activities of the gathering and/or the volume of music or people violates the noise policy.</p>
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18. UNAUTHORIZED ARTICLES AND THEFT

Theft refers to the act of taking another person's property in residence without their permission.

Note: Only Refrigeration appliance supplied with the Room are to be used. No others, including mini fridges, are to be brought into the Room. Irons, toaster ovens, coffee makers, electric kettles protected by an automatic "shut off" may be used. In order for appliances to be approved for use in the Residence, they must bear a visible serial number and a CSA or RL identification tag.

LEVEL 1 (1 - 2 points)	<p>a) Possession of equipment, keys, appliances or furnishings not authorized by the Residence or Niagara College.</p>
LEVEL 3 (4 - 6 points)	<p>b) Theft or possession of stolen property.</p>

19. VIOLENCE AND AGGRESSION

Note: Violent or aggressive behaviour of any kind is not permitted in residence. This includes behaviour such as physical force potentially causing hurt or damage to someone/something, and/or behaviour that threatens another member of the community. Violence and aggression includes but is not limited to physical or verbal acts.

LEVEL 3 (4 - 6 points)	<p>a) Any communication or behaviour that is perceived as offensive, abusive, unwanted, aggressive or threatening.</p> <p>b) Any behaviour (consensual or not) that causes or has the potential/intent to cause physical or emotional harm. These behaviours include, but are not limited to: hitting, punching, slapping, kicking, pushing, pulling, bullying, stalking, fighting, intimidation, retaliation and threats of violence.</p> <p>c) Any behaviour deemed to be a physical assault.</p>
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20. WEAPONS

Note: A weapon is defined as any device that is designed for (or could be used for) the purpose to intimidate, threaten, harm or kill. Examples of weapons include and are not limited to: handguns, rifles, air guns, pellet guns, paintball guns, BB guns, crossbows, swords, hunting knives, fishing knives, martial arts weapons, brass knuckles, replica weapons, or any other prohibited device as defined in the Criminal Code of Canada.

LEVEL 3 (4 - 6 points)	<p>a) Possession, storage, use or threatened use of a weapon and/or replica weapons.</p>
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21) SEXUAL VIOLENCE

Sexual Violence is a broad term that describes any violence, physical or psychological, carried out through sexual means or by targeting sexuality. This violence takes different forms against another person without their consent. This includes but is not limited to sexual assault, sexual harassment, stalking, indecent exposure, voyeurism and sexual exploitation.

LEVEL 3 (4 - 6 points)	a) Any behaviour deemed to be a sexual violence.
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SANCTIONS

Sanctions are consequences for behaviour that violates the RCLS, Student Residence Agreement, or Niagara College policies. These sanctions are explained in detail, including any relevant deadlines or payment information in a Decision Letter written by Residence Staff. Sanctions are intended to be primarily educational and restorative in nature. Sanctions may be used independently or in combination for any single violation. Repeated and/or multiple violations shall increase the severity of sanctions applied. In most circumstances, the following range of sanctions may be applied at each level of offense.

Level 1

- (a) Warnings – a verbal or written caution that continuation or repetition of the offending behaviour will constitute more serious sanctions in the future.
- (b) Community Service – tasks or roles assigned as sanctions, which contribute positively to the reputation, welfare or condition of the Residence or surrounding community.
- (c) Confiscation – removal of items from the possession of Residents that violate the Residence Community Living Standards.
- (d) Educational – tasks assigned as a sanction designed to promote learning and development.
- (e) Fines – a sanction applied to a Resident whereby they are required to pay a monetary fee.
- (f) Loss of Privileges – a sanction that places restrictions on certain privileges of the Resident.
- (g) Restitution – payment for damage or loss experienced by Niagara College, Residence, Residents, Guests or others.

Level 2

- (i) All level 1 Sanctions.
- (j) Communication Ban – a sanction that limits the privilege of a Resident to communicate freely with another Resident.
- (k) Transfer/Relocation – a sanction that will reassign accommodation either within the Residence Complex or to a location off campus
- (l) Persona non grata (PNG) or Trespass Notice – a sanction given to an individual who is denied the privilege to enter Residence. The PNG individual is also prohibited from attending any residence events which occur outside of the building. A copy of the PNG letter is filed with Campus Security. A PNG individual found or seen in residence at any time will be reported to Campus Security and may be subject to further sanctions under Residence or Niagara College policies.
- (m) Denial of Readmission to Residence – a sanction given to a Resident who will not be permitted to live in residence in the future.

Level 3

- (n) All level 1 and 2 Sanctions.
- (o) Behaviour Contract – a signed agreement between a Resident and Residence Management, to comply with established conditions of conduct and to refrain from specified conduct, often used when a student is placed on Residence Probation; the last step before eviction.
- (p) Residence Probation – a sanction applied as a serious warning against future Offenses, usually leading to eviction when the next Offense (at any level) occurs.
- (q) Eviction – termination of the Resident's Student Residence Agreement (contract) with the Residence.
- (r) Recommendation for charges of non-academic Misconduct – a sanction where Residence Staff make a formal recommendation to Niagara College to investigate and/or charge the Resident with non-academic misconduct.

PRIMARY AND SECONDARY CONTACTS

Every resident is required to identify two people as their Primary and Secondary contacts. It is suggested that these people are parents or legal guardians of the resident, as they serve as emergency contacts. They may also be contacted if any other significant concerns or problems arise with the resident, such as significant violations of the residence rules, late payments or fees, or concern for their well-being. Sections 5.01 and 5.02 of the SRA provide more details about the Primary and Secondary Contacts.

6. JUDICIAL PROCEDURES

PRINCIPLES OF NATURAL JUSTICE AND PROCEDURAL FAIRNESS

The Principles of Natural Justice and Procedural Fairness must prevail in Judicial Procedures to uphold the principle that justice must not only be done, but be seen to be done. The principles are explained below:

- (a) The Resident has the right to be informed of the allegation(s) of Offense(s).
- (b) The Resident is entitled to an opportunity to respond to allegation(s) of Offense(s) at a meeting with Residence Staff and is also entitled to a reasonable notice of the time, place and nature of the meeting.
- (c) The Resident is presumed not to be guilty of the alleged Offense(s) until an impartial and unbiased Decision-maker has determined the Offense(s).
- (d) The Resident is entitled to reasonable disclosure of evidence of the Incident Report prior to a decision. Fact-finding occurs at a meeting with the Decision-Maker.
- (e) At meetings to discuss level three offenses, the Resident is entitled to call a reasonable number of witnesses to the meeting to discuss alleged Offense(s). This must be arranged with the decision-maker prior to the meeting.
- (f) The Resident is entitled to be advised in writing of the Decision about the alleged Offense(s) and the Sanction(s) applied, (if any). The Decision about guilt or innocence and any associated Sanction(s) should be made within a reasonable time.

STANDARD OF PROOF

The information necessary to prove that an offense has occurred is referred to as the standard of proof. Outside of a court of law, the model used by College’s and Universities is called the Balance of Probabilities. The standard of proof has been met if at the conclusion of an investigation, based on all credible information, the Residence Staff believes that the incident reported probably occurred. This means that the information provided in the Incident Report and in the judicial meeting demonstrated that the violation is more likely than not to have occurred. The standard of proof for criminal cases is beyond a reasonable doubt, which does not apply in Residence Judicial Procedures.

INCIDENT REPORTS AND JUDICIAL MEETINGS

A summary of the Judicial Process is presented in the chart following this section.

Residence Staff will record behaviours, actions or negligence that may be Offenses against the RCLS in Incident Reports. When necessary, the Incident Report may also include appendices, such as e-mails, photographs, or Security, Police, or Fire reports. Residence Staff will notify the Resident(s) of the alleged Offense(s) and will notify them of a meeting to discuss the matter.

The purpose of a Judicial Meeting between a Resident and a Residence Staff member is to investigate allegations of offenses detailed in an Incident Report. This is the opportunity for Residents to be heard and explain their behaviour to the Residence Staff member. While these meetings must comply with the Principles of Natural Justice and Procedural Fairness and may result in formal sanctions, they are not designed to be highly formal in nature. At the conclusion of the meeting the Residence Staff member will follow-up with the Resident in writing with a Decision Letter, which will outline all necessary decisions about offenses, sanctions and any related deadlines. If the Resident fails to attend the Judicial Meeting with the Residence Staff member, the Residence Staff member may choose to proceed and make a decision based upon all evidence available.

COMMUNICATION BETWEEN RESIDENT(S) AND RESIDENCE STAFF

Residence Staff will endeavor to communicate with Residents via several methods to discuss Incident Reports, deliver Decision Letters, and any other important aspects of the judicial process: (a) a voice mail on the Residents phone provided to them in their room, (b) an e-mail to their Niagara College e-mail account or the account provided in their application, (c) a letter placed in a Residents mailbox or under a Residents room door, or (d) in person. An attempt to contact and communicate with a Resident is deemed to be satisfactory when any two of the above methods have been used by Residence Staff.

NIAGARA COLLEGE RESIDENCE JUDICIAL PROCESS		
Incident Report Alleged violations of the RCLS are documented by Residence Staff in an Incident Report.		
Alleged Level 1, 2 & 3 Offences: Judicial Meeting with RLC Resident(s) meet with the RLC to review the Incident Report.	Alleged violations of Behaviour Contracts and/or serious Level 3 Offences: Judicial Meeting with GM Resident(s) meet with the GM to review the Incident Report	
Decision Letter RLC communicates decision about allegations, offences, and sanctions to Resident(s) in writing.	Incident Referred to GM In situations where Resident(s) have violated Behaviour Contracts or when serious Level 3 offences are assessed, the Incident will be referred to the GM.	Decision Letter GM communicates decision about allegations, offences, and sanctions to Resident(s) in writing.

RESIDENCE EMERGENCIES

Although the three levels of Offences and the Judicial Procedures are intended to apply to most situations related to behaviour, there are conditions that warrant a heightened level of concern for safety, security, health and wellbeing. These conditions require special authority and guidelines. The following definitions and procedures ensure a swift, effective response to conditions to protect Residents, guests, staff, the community and the Institution. In consultation with the College and its threat assessment and emergency procedures, the General Manager is granted extraordinary authority to respond to Residence Emergencies.

DEFINITION OF A RESIDENCE EMERGENCY

In consultation with the College, the General Manager is authorized to determine if Residence Emergency conditions exist, which is defined by any one of the following:

- (a) evidence that a Resident, student, or staff has been harmed or appears to be in danger of harm,
- (b) evidence that a Resident, student, or staff has harmed or poses a threat to harm another individual or the community,
- (c) evidence that a Resident, student, or staff has inflicted self-harm or appears to be in danger of doing so.

RESIDENCE EMERGENCY PROCEDURES

In consultation with the College, the General Manager is authorized to:

- (a) suspend other rules in order to invoke a swift response to a Residence Emergency
- (b) turn the matter immediately over to appropriate authorities
- (c) immediately relocate the Resident(s) involved within the Residence or off campus, pending a meeting with the Resident
- (d) authorize an Exclusion, which takes effect immediately and without notice, pending a meeting with the Resident. This means that the individual:
 - a. is prohibited from accessing any service or facility of the Residence
 - b. may be escorted from the Residence and/or the campus
- (e) determine Sanction(s) at Levels 1, 2, and 3, following a meeting with the Resident.

APPEAL PROCEDURES

A summary of the Appeal Procedures is presented in the chart following this section. The following general principles apply to all appeals:

- (a) The Principles of Natural Justice and Procedural Fairness must prevail in Appeal Procedures to ensure compliance with the principle that justice must not only be done, but be seen to be done.
- (b) Any resident found in violation of the RLCS is entitled to submit an appeal, based in the grounds for an appeal mentioned below.
- (c) A resident has 72 hours from the date they receive their Decision Letter to start the appeal process. Staff will endeavour to respond to appeal requests within 72 hours of receiving them.
- (d) Depending on the original decision rendered the appeal process proceeds via one of two processes: the Appeal Process or the Eviction Appeal Process, which are detailed below.

THE APPEAL PROCESS

- (a) The Appeal Process is in place for all decisions excluding Eviction.
- (b) Students may complete an Appeal Request Form and submit it to the Residence Office, within 72 hours of receiving the decision letter. The resident requesting an appeal must demonstrate that they have grounds, which includes providing evidence of one of the following items:
 - i. **Bias:** Alleged and reasonable apprehension of bias of the Decision-maker who imposed the sanction(s).
 - ii. **Procedural Fairness:** Alleged substantive failure by the Decision-maker to comply with the Principles of Natural Justice and Procedural Fairness, which may have affected the decision.
 - iii. **New information:** Substantive new evidence which could not have been available to the Decision-maker when making the decision.
 - iv. **Alternative Sanctions:** The resident may request for their sanction to be altered by suggesting options that are equivalent in nature to the original decision (this is not applicable to evictions).
- (c) Once the Appeal Request Form is received, the resident(s) will be contacted in writing within 72 hours to setup an appeal meeting. If the appeal is granted, the GM (or designate) will set-up an Appeal Meeting with the resident(s).
- (d) The individual or committee considering the appeal may, after reviewing the case:
 - i. uphold the findings and/or sanctions;
 - ii. reverse the findings; or
 - iii. reverse or modify the sanctions.
- (e) During an appeal, all sanctions (minus financial sanctions) remain valid until they are reversed or modified by the individual or committee hearing the appeal. Financial sanctions will not be applied until a decision has been made.
- (f) All decisions made in an appeal are final and are not subject to further appeals.

THE EVICTION PROCESS

- (a) If the resident has grounds for an appeal, the resident may complete the Appeal Request Form and submit it to the Director, Student Services (or designate), within 72 hours of receiving the eviction. The resident requesting the appeal must demonstrate that they have grounds, which includes providing evidence of one of the following items:
 - i. **Bias:** Alleged and reasonable apprehension of bias of the Decision-maker who imposed the sanction(s).
 - ii. **Procedural Fairness:** Alleged substantive failure by the Decision-maker to comply with the Principles of Natural Justice and Procedural Fairness, which may have affected the decision.
 - iii. **New information:** Substantive new evidence which could not have been available to the Decision-maker when making the decision.
- (b) Once an eviction Appeal Request Form is received, Director, Student Services (or designate) (or designate) will review the grounds for the appeal and make a decision to either deny the appeal or set-up an Eviction Appeal Hearing. The resident(s) will be contacted within 72 hours to notify them of this outcome.
- (c) If the appeal is granted, the Director, Student Services (or designate) will set-up the Eviction Appeal Committee, which will be comprised of a Student, the Director of Residence Life from Campus Living Centres (or designate), and the Director of Student Services (or designate). One of the members of the Eviction Appeal Committee must be a student, and one member must be a member of Residence Senior Management. Residents appealing an eviction will be provided with additional information about Appeal Hearing procedures.
- (d) The Eviction Appeal Committee will communicate a decision in writing to the resident. The committee will review all evidence and may decide to:
 - i. uphold the findings and/or sanctions;
 - ii. reverse the findings; or
 - iii. reverse or modify the sanctions;
- (e) During a, appeal, all sanctions (minus financial sanctions) remain valid until they are reversed or modified by the individual or committee hearing the appeal. Financial sanctions will not be applied until a decision has been made.
- (f) All decisions made in an Eviction Appeal Hearing are final and are not subject to further appeals.

APPEAL MEETING PROCEDURES (Levels 1 - 3)

In this section, the resident appealing the eviction is referred to as the appellant.

1. The hearing will proceed as scheduled, even if the appellant does not attend.
2. The appellant may bring witnesses to the appeal hearing. Participation of witnesses shall be limited to providing evidence and responding to questions from the appeal committee. Witnesses may be present at the hearing only when providing evidence or responding to questions from the appeal committee.
3. The appellant may bring one support person to the appeal hearing; however, support persons shall not participate in the appeal unless called on by the Chair to do so. Participants are required to provide the name and relationship of their support person to the Appeal Committee a minimum of 48 hours prior to the hearing.

EVICTON APPEAL HEARING PROCEDURES

In this section, the resident appealing the eviction is referred to as the appellant and the Residence staff whose decision is being appealed is referred to as the respondent.

1. The hearing will proceed as scheduled, even if the appellant or the respondent do not attend.
2. The appellant and respondent may bring witnesses to the appeal hearing. Participation of witnesses shall be limited to providing evidence and responding to questions from the appeal committee. Witnesses may be present at the hearing only when providing evidence or responding to questions from the appeal committee.
3. The appellant and respondent may bring one support person to the appeal hearing; however, support persons shall not participate in the appeal unless called on by the Chair to do so. Participants are required to provide the name and relationship of their support person to the Appeal Committee a minimum of 48 hours prior to the hearing.
4. The appeal hearing shall proceed as follows:
 - a. An initial briefing and review of the case by the committee members;
 - b. Presentation of the case by the appellant;
 - c. Presentation of information by the respondent;
 - d. Subsequent re-examination of either party or any witnesses if required.
5. Each appeal shall be considered independently and on its own merits.
6. The Appeal Committee will carefully consider only:
 - a. The appeal grounds;
 - b. The evidence supporting the grounds presented orally (during the hearing);
 - c. The written evidence presented in the appeal letter, appeal request form and supporting documents;
 - d. The written evidence presented in the respondent’s response submission;
 - e. Any written evidence accepted by the appeal committee from the appellant or respondent during the hearing, providing that the appellant and respondent both had a reasonable opportunity to read, understand and respond to the document.
7. At no time should the committee deal with any matter outside the specific concerns set out in the request for appeal.
8. The burden of proof in a disciplinary appeal rests with the appellant, who must make a case to convince the appeal committee to decide in the appellant’s favour.
9. All information reviewed and discussed during an appeal shall remain confidential.
10. In addressing the appellant’s specific concern(s), the appeal committee should feel free to direct the parties to provide and produce additional material or witnesses directly related to the appeal.

RESIDENCE APPEAL PROCESS	
Appeal Request Form Resident completes this form to request an appeal	
Levels 1-3 Appeal Process	Appeal Meeting with Manager Resident presents appeal based on listed grounds to a Manager for consideration. All decisions made by the Manager hearing the appeal are final.
Eviction Appeals	Appeal Meeting with Eviction Appeal Committee Resident (appellant) and Residence Staff (respondent) meet with the committee for consideration of the eviction appeal. All decisions made by the Eviction Appeal Committee are final.