

AC.3.4.3 Student Academic Conduct Schedule C

Second Offence and Third Offence Procedures and Appeal Procedures

Academic Misconduct – Second Offences and Third Offences		
Stage	Actions	When
Initial allegation	1. Instructor or invigilator identifies or is notified about the student's alleged academic misconduct offence, and determines if the alleged offence warrants further action. The instructor or invigilator may meet with the student to discuss the allegation.	Within two business days after the instructor or invigilator identifies or is notified of the allegation.
	2. If the instructor or invigilator decides sufficient evidence exists to pursue the allegation, the instructor or invigilator reports the allegation in writing to the academic chair/coordinator responsible for the course.	Within two business days after the instructor or invigilator identifies or is notified of the allegation.
Initial review of allegation	3. Academic chair/coordinator responsible for the course decides if there is sufficient evidence to pursue the allegation and if the length of time between when the alleged misconduct occurred and when it was discovered makes it procedurally fair to proceed. This may require discussion with the Office of Community Conduct.	Within three business days after the allegation is reported to the academic chair/coordinator.
	4. If the academic chair/coordinator responsible for the course decides to pursue the allegation: <ul style="list-style-type: none"> • The academic chair/coordinator checks with the Office of Community Conduct to determine if the student has had previous findings of academic misconduct. <ul style="list-style-type: none"> ○ If no, this allegation is a possible first offence: the procedure in Schedule B is followed from this point. ○ If yes, this allegation is a possible second or third offence, as applicable. 	Within three business days after the allegation is reported to the academic chair/coordinator.
	5. The academic chair/coordinator responsible for the course refers the matter to the dean/director responsible for the course.	Within five business days after the allegation is reported to the academic chair/coordinator.

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Hearing	<p>6. The dean/director responsible for the course¹:</p> <ul style="list-style-type: none"> Decides if there is sufficient evidence to pursue the allegation and if the length of time between when the alleged misconduct occurred and when it was discovered makes it procedurally fair to proceed. This may require discussion with the Office of Community Conduct. If the dean/director decides to proceed, they send written notice of the allegation to the student and academic chair/coordinator responsible for the course, using the template provided by the Office of Community Conduct. There must be at least two business days between when the student receives the notice and the date of the hearing. The hearing may be either online via Teams or in person, at the discretion of the dean/director. If the meeting is held online, the student is, in the absence of compelling circumstances, required to show their face and to have their computer's web camera on. 	Within five business days after the allegation is reported to the dean/director.
	<p>7. The student and academic chair/coordinator responsible for the course provide the dean/director responsible for the course with supporting information and with a list of witnesses, if any, who will attend the hearing. Note that the instructor is normally required to attend and present at the hearing; however, if there are compelling reasons for an instructor's absence, the academic chair may present the instructor's evidence to the student, provided that the student has a full and fair opportunity to review and ask for/receive clarification about that evidence.</p>	Within the deadline specified by the dean/director.
	<p>8. The student and academic chair/coordinator responsible for the course may present supporting written and oral information, call witnesses, and make submissions.</p>	
	<p>9. At the hearing, the student is entitled to:</p> <ul style="list-style-type: none"> Be accompanied by an individual for advice and support. In the case of a student who is a minor or who is an adult student with an appointed guardian, the student is also entitled to bring the student's parent or guardian. In the case of a dual credit student, the student is also entitled to bring the student's supervising high school teacher/school board 	The hearing is held no sooner than two business days and no later than ten business days after sending notice to the

¹ The dean/director responsible for the course may designate an associate dean, another dean/director, or the Office of Community Conduct to set up and/or hear the case. References to the dean/director apply to whoever has been designated to set up and/or hear the case.

Academic Misconduct – Second Offences and Third Offences		
Stage	Actions	When
	<p>representative. In general, only the student speaks on the student's behalf.</p> <ul style="list-style-type: none"> • Be accompanied by an interpreter, where the student feels that their fluency in English requires the assistance of an interpreter. The student is responsible for arranging the interpreter. Only the student speaks on the student's behalf. • Be provided with a full explanation of the allegations against the student. • Respond to the allegations and present the student's version of events. <p>10. Any party to the hearing or the dean/director responsible for the course may request SAIT's Ombudsperson to attend the hearing as an impartial observer. The Ombudsperson does not take part in making the decision and does not provide support or assistance to any party or to the dean/director.</p> <p>11. If the student fails to attend the hearing and provides no reasonable explanation for the absence, the dean/director responsible for the course makes a decision based on the evidence available in the student's absence.</p> <p>12. If the student fails to attend the hearing and provides a reasonable explanation for the absence, the dean/director responsible for the course has the discretion to reschedule the hearing.</p> <p>13. The dean/director responsible for the course determines on the balance of probabilities, based on the written and oral information presented at the hearing by the student, academic chair/coordinator responsible for the course and witnesses, whether academic misconduct has occurred.</p>	student and academic chair/coordinator ² .
Communication of appeal decision	<p>14. If the dean/director responsible for the course determines that academic misconduct has not occurred, the dean/director advises the student by letter, using the template provided by the Office of Community Conduct, with a copy to members of the SAIT community as required.</p> <p>15. If the dean/director responsible for the course determines that academic misconduct has occurred, the dean/director:</p>	Within five business days of conclusion of the hearing.

² In some cases, a hearing may need to take place over more than one day and may not be concluded until after ten business days have passed.

Academic Misconduct – Second Offences and Third Offences		
Stage	Actions	When
	<ul style="list-style-type: none"> • Prepares a Second Offence or Third Offence letter, using the template provided by the Office of Community Conduct. This letter sets out the evidence presented by both parties, the decision and reasons for the decision, the sanction(s) to be imposed, and the student's rights to appeal the decision. • Sends the Second Offence or Third Offence letter to the student, with a copy to the Office of Community Conduct, the academic chair/coordinator responsible for the course, and the student's program dean/director (where applicable). 	Within five business days of conclusion of the hearing.
Implementation of appeal decision	<p>16. The Office of Community Conduct ensures the sanction(s) is reflected on the student's record. The Office of the Registrar implements the sanction(s) in collaboration with other stakeholders as required. The Second Offence or Third Offence letter remains on the student's record for seven years.</p> <p>17. The instructor enters the grade of F or NP for the course in which the academic misconduct occurred. The remaining courses in which the student is registered are graded based on the student's work submitted to date within the add/drop limitations and withdrawal guidelines.</p>	<p>Within five business days after the student's appeal deadline has passed (if student does not appeal) or of receiving the appeal decision letter (if student does appeal).</p> <p>Within five business days after the student's appeal period has passed (if student does not appeal) or of receiving the appeal decision letter (if student does appeal).</p>

Academic Misconduct – Second Offence and Third Offence Appeal Procedures

Stage	Actions	When
Student wishes to appeal the Second Offence or Third Offence finding	<ol style="list-style-type: none"> 1. A student who wishes to appeal the decision of the dean/director responsible for the course shall send an email to student.appeals@sait.ca. This email sets out the student's grounds for the appeal, which must include at least one of the four grounds listed below. The onus is on the student to provide sufficient evidence to establish that one or more of these grounds exists. 2. Appeals are restricted to four grounds: <ul style="list-style-type: none"> • The student alleges that there was a substantial procedural error which denied the student a fair hearing or which may have substantially affected the original decision's outcome. • The student alleges there is a reasonable apprehension of bias on the part of the original decision-maker. • The student has new relevant evidence to present that was not available at the original hearing, through no fault of the student. • The student alleges that the sanction is too severe/unreasonable in light of the student's specific circumstances. 	Within five business days of receiving the Second Offence or Third Offence letter.
Initial review of student's request to appeal	<ol style="list-style-type: none"> 3. Student.appeals@sait.ca reviews the student's request to determine if the student's request meets at least one of the grounds listed above. The onus is on the student to provide sufficient evidence to establish this. <ul style="list-style-type: none"> • If student.appeals@sait.ca determines that the requested appeal does not meet at least one of the four grounds listed above or that there are more appropriate avenues for the student to pursue, student.appeals@sait.ca advises the student in writing of the decision not to proceed with the appeal and the reasons for this decision. The decision is final and binding. • If student.appeals@sait.ca determines that the request for an appeal meets at least one of the four grounds set out above, student.appeals@sait.ca advises the student in writing that the appeal may proceed, and works with the student, the school/program and the Office of the Vice President Academic to manage the appeal process. 	Within five business days of receiving the student's email.
Appeal is arranged	<ol style="list-style-type: none"> 4. The vice president, academic³ decides the scope of the appeal (i.e., whether the appeal is a full appeal de novo or a more limited 	Within five business days of the decision by

³ The vice president, academic may designate another member of senior management, including a dean, director, associate vice president, or vice president, to manage and/or hear the appeal. References to the vice president, academic apply to whoever has been designated to manage and/or hear the appeal.

	<p>appeal) and whether the appeal will be through a documentary evidence review or a formal hearing. This decision is final and binding.</p> <p>5. If the vice president, academic determines that the appeal will be by way of documentary evidence and that a formal hearing is not required, student.appeals@sait.ca advises the student and the dean/director responsible for the course of the process and deadlines. The vice president, academic's decision is final and binding.</p> <ul style="list-style-type: none"> The vice president, academic usually decides this appeal based on their review of the documentary evidence, and advises the student and the dean/director of the decision. Note that the vice president, academic has the discretion to convene an appeal panel for the purpose of reviewing this documentary evidence. The vice president, academic's decision on the appeal is final and binding. <p>6. If the vice president, academic determines that the appeal will be by way of a formal hearing, the vice president, academic convenes and chairs an appeal panel consisting of:</p> <ul style="list-style-type: none"> The vice president, academic or designate A dean or associate dean from an unrelated school An instructor from an unrelated school An unrelated student peer appointed by SAITSA <p>If an appeal panel member is unexpectedly absent at the formal hearing or if the student establishes that an appeal panel member has a conflict of interest, the hearing may proceed with a three-person panel if the student agrees. Otherwise, the hearing will be rescheduled and/or a new panel will be convened.</p> <p>7. The Office of the Vice President, Academic schedules the formal hearing and sends written notice to the student, the dean/director responsible for the course, the Office of the Registrar and the Office of Community Conduct, of the date, time and location of the hearing. There must be at least two business days between when the student receives the notice and the date of the hearing.</p> <p>8. A formal hearing will normally be held online through Teams. The student is, in the absence of compelling circumstances, required to show their face and to have their computer's web camera on.</p>	<p>student.appeals@sait.ca to allow the appeal to proceed.</p> <p>Within five business days of the decision by student.appeals@sait.ca to allow the appeal to proceed.</p> <p>Within five business days of the decision by student.appeals@sait.ca to allow the appeal to proceed.</p>
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	<ul style="list-style-type: none"> • A student may request an in-person hearing instead of an online hearing if there are compelling reasons for this request. The onus is on the student to establish those circumstances. The vice president, academic decides whether to allow the student's request. This decision depends on the student's circumstances and on whether it is reasonable and practical for the hearing to be held in-person. The vice president, academic's decision is final and binding. <p>9. The student and the dean/director responsible for the course provides student.appeals@sait.ca with supporting information and with a list of witnesses, if any, who will attend the hearing. Note that depending on the particular ground on which the student is appealing, the academic chair and/or instructor may need to attend and present at the hearing; however, if there are compelling reasons for an academic chair/instructor's absence, the dean/director may present the program's evidence to the student, provided that the student has a full and fair opportunity to review and ask for/receive clarification about that evidence</p>	Within the deadline specified by the vice president, academic.
Formal appeal hearing	<p>10. The student and the dean/director responsible for the course may present supporting written and oral information, may call witnesses and may make submissions.</p> <p>11. The student is entitled to be accompanied by an individual for advice and support. In the case of a student who is a minor or who is an adult student with an appointed guardian, the student may also bring the student's parent or guardian. In the case of a dual credit student, the student is also entitled to bring the student's supervising high school teacher/school board representative. In general, only the student speaks on the student's behalf.</p> <p>12. The student has the right to be accompanied by an interpreter, where the student feels that their fluency in English requires the assistance of an interpreter. The student is responsible for arranging the interpreter. Only the student speaks on the student's behalf.</p> <p>13. Any party to the appeal or the Appeal Panel Chair may request SAIT's Ombudsperson to attend the hearing as an impartial observer. The Ombudsperson does not take part in making the decision and does not provide support or assistance to any party or to the Appeal Panel.</p>	Appeal is heard no sooner than two business days and no later than ten business days after the Office of the Vice President, Academic sends notice to the student and dean/director. ⁴

⁴ In some situations, an appeal may need to be held over more than one day, and may not conclude until after ten business days have passed.

	<p>14. If the student fails to attend the hearing:</p> <ul style="list-style-type: none"> • If the student provides no reasonable explanation for their absence, the Appeal Panel Chair makes a decision based on the evidence available in the student's absence. • If the student provides a reasonable explanation for their absence, the Appeal Panel Chair has the discretion to reschedule the hearing. <p>15. The Appeal Panel Chair determines on the balance of probabilities, based on the written and oral information presented at the hearing by the student, dean/director and witnesses, if the initial hearing decision should be upheld or overturned and, if upheld, whether the sanction that was imposed should remain the same or should be decreased or increased in severity.</p> <p>16. The Appeal Panel Chair's decision is final and binding.</p>	<p>Within five business days after the appeal hearing has concluded.</p>
Communication of appeal decision	<p>17. The Appeal Panel Chair sends a letter to the student outlining the evidence presented at the appeal hearing, the decision and the reasons for the decision.</p> <p>18. The Appeal Panel Chair sends a copy of the letter to the dean/director responsible for the course, the Office of the Registrar, the Office of Community Conduct, and the student's program dean/director (where applicable).</p>	<p>Within five business days after the appeal hearing has concluded.</p>
Implementation of appeal decision	<p>19. If the student's appeal of the finding of academic misconduct is successful, the Office of Community Conduct ensures that the Second Offence or Third Offence letter is not on the student's record. The academic chair/coordinator ensures that the student's mark in the course in which the misconduct had allegedly occurred is adjusted.</p> <p>20. If the student's appeal is unsuccessful:</p> <ul style="list-style-type: none"> • The Office of Community Conduct ensures the sanction(s) is reflected on the student's record. The Second Offence remains on the student's record and transcript for seven years, from the date of the Second Offence letter. The Third Offence remains permanently on the student's record and transcript. • The Office of the Registrar implements the suspension/expulsion in collaboration with other stakeholders as required, and determines if the student is entitled to any tuition refund. • The academic chair ensures that: 	<p>Within five business days of receiving the appeal decision letter.</p> <p>Within five business days of receiving the appeal decision letter.</p>

	<ul style="list-style-type: none"> ○ The grade of F or NP for the course in which the academic misconduct occurred is entered into the student's record ○ The remaining courses in which the student is currently registered are graded based on the student's work submitted as of the starting date of the suspension/expulsion and these grades are entered into the student's record. 	
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February 8, 2024