

AC.3.4.1 Student Code of Conduct

Schedule D: Initial Hearing and Appeal Hearing Processes and Principles

1. All hearings of academic or non-academic misconduct and all SAIT employees and others who hear arguments at hearings shall comply with the principles of natural justice and procedural fairness. This means that:
 - All parties have the right to receive prior notice, to know the case being presented, and to a fair hearing, before impartial and unbiased decision-makers.
 - Any decision-maker(s) or person hearing a hearing who has a bias or a pre-conceived notion must excuse himself/herself from the hearing.
2. An appeal may address a student's allegations of bias or lack of due process and procedural fairness by the initial hearing decision-maker(s) as well as a "rehearing," in which event the student and employee(s) must present supporting information and may call individuals to verify such information ("witnesses"), as in the initial hearing. The appeal panel or decision-maker(s), at his/her/their discretion, may choose to rely solely on the written determination at the initial hearing and the written submissions on appeal, or may rehear the matter in full.
3. Hearings are held in camera (not open to the public), and shall not be recorded or officially transcribed.
4. All parties to a hearing have the right to:
 - Disclosure of supporting information and information relied upon by the other party.
 - An interpreter (if needed).
 - Present supporting information and arguments.
 - Have the matter determined based on the arguments and supporting information at the initial hearing or, on appeal, on written submissions or reheard arguments and supporting information.
 - Reasons for the decision.
5. Initial hearings and appeal hearings are governed by the following processes:
 - The chair of the hearing determines the order in which parties present their arguments. The chair generally begins the hearing by reviewing the grounds and reasons for the hearing and noting the supporting information submitted by the parties. The student presents his/her submission, followed by SAIT's submission. The student may then respond further. Each party is entitled to make a brief closing argument summarizing the main points of his/her position.
 - Each party shall be present to hear the arguments of the other party, his/her witnesses and any supporting information presented.

- During and following the hearing, neither party will communicate with the decision-maker(s) about their cases without the knowledge or presence of the other party.
 - Each party must present his/her own case and respond to all questions from the decision-maker(s).
 - All witnesses' names, affiliations and connections to the case must be submitted in writing in advance as set forth in this Code.
 - All oral arguments shall be limited to a maximum of two hours unless the decision-maker(s) rule otherwise.
 - Only the decision-maker(s) is entitled to question the parties or witnesses.
 - While procedural fairness is essential, the decision-maker(s) may direct, curtail or encourage the organization of supporting information and witnesses in order to enhance the clarity, relevance and efficiency of the proceedings and may warn and then prohibit a party from continuing to present supporting information, argument or materials that the decision-maker(s) reasonably believes are irrelevant, defamatory, vexatious or that impede the initial hearing or appeal hearing.
6. Parties are responsible for contacting their own witnesses and making all arrangements, at their cost, for such witnesses to attend the hearing. Other than the parties, witnesses are present in the hearing room only during the time they are testifying.
 7. A student who is alleged to have committed an act of academic or non-academic misconduct is assumed to not have committed that act unless the contrary is established. Decisions will be based on the balance of probabilities, with consideration given to consistency.
 8. If the student fails to appear at the appointed day and time of a hearing, the decision-maker(s) may, without further notice, proceed to hear the matter based on written submissions. If there are compassionate or medical grounds for non-appearance, the decision-maker(s) must be notified immediately and will determine the acceptability of those grounds and whether the hearing should be rescheduled. If a student cannot attend a hearing in person but is otherwise available, then he/she may attend, solely at the determination of the chair, through alternative communications methods accepted by the chair.
 9. Any decision rendered after a hearing shall be in writing and shall document the participants, meeting time and place, the issues, the decision date, the submissions made, any new supporting information, the decision, the reasons and the sanctions, subject to this Code. The decision shall be prepared by the chair of the hearing.
 10. The registrar shall ensure the student's record and, where applicable, transcript, reflect the sanction that has been ordered.
 11. Time limitations set forth in this Code are of the essence and are considered critical to the fair disposition of initial hearings and appeal hearings.



12. The initial hearing decision remains in effect unless and until it is overturned on appeal.
Therefore, submitting an appeal will not prevent the decision being carried out. However, a student will not be suspended or expelled until the time period in which to seek an initial hearing or appeal hearing has expired, unless immediate suspension or expulsion is reasonably required in the interests of the safety or security of persons or property.

13. Letters that are sent to SAIT employees and others regarding the outcome of a student's initial hearing or an appeal hearing must be treated in the same way as any other confidential student document and, in particular, must be stored in a secure location and retained for a period of one year, after which time they shall be destroyed.

14. Any request for monetary compensation from SAIT shall not form part of any hearing or appeal hearing.