

## Appealing a non-academic misconduct decision

If you are a student who has been found to have committed non-academic misconduct by either the Office of Community Conduct or by the Registrar, you may be able to request an appeal (or a review) of that decision in certain situations. During the appeal process, the grounds (or reasons) for the appeal, the decision being appealed, and the process used to make that decision will be reviewed. If you do not follow the appeal process set out in Schedule C, procedure AC.3.4.4 Student Non-Academic Conduct, the appeal will be denied.

### 1. Starting an appeal: establishing the grounds (or reasons) for your appeal

**Just because you disagree with the non-academic misconduct decision or think the decision is wrong is not a valid reason to appeal that decision.** Your appeal must be based on at least one specific ground. You need to provide information that shows that one or more of these grounds exists: it is not enough for you just to say that the ground exists. Student Appeals (at [student.appeals@sait.ca](mailto:student.appeals@sait.ca)) will decide if you have established at least one of these grounds, and may ask you for additional information when making this decision. **If you cannot establish at least one ground, your appeal will not proceed.** The decision of Student Appeals is final and binding: you cannot appeal this decision, so make sure you provide all the information needed to establish your ground(s) for the appeal.

The four grounds for an appeal are:

- **There was a substantial procedural error in the original proceeding that denied you a fair hearing or that may have substantially affected the outcome of the original decision.**
  - *What was this procedural error, specifically? How do you know this was an error – for instance, exactly how did the original proceeding not follow the non-academic misconduct process set out in Schedule B, AC.3.4.4 Student Non-Academic Conduct? How did this error deny you a fair hearing or affect the outcome of the original decision?*
- **There was reasonable apprehension of bias on the part of the original decision-maker**
  - *Would a reasonable person have considered the Office of Community Conduct or the Registrar to likely have been biased? Exactly what did they do or say that shows they may have been biased against you?*
- **You have new relevant evidence to present that was not available for you to present at the original proceeding and that may have substantially affected the original decision's outcome, through no fault of yours.**
  - *Exactly what is this new evidence? How is it relevant to your non-academic misconduct case? Why didn't you present this evidence at the original proceeding? When did you discover this new evidence? Could this new evidence have reasonably affected the outcome of the original proceeding – and if so, how?*
- **The sanction (or penalty) is too severe/unreasonable in light of your specific circumstances.**
  - *Why is this sanction too harsh in relation to you, specifically? While a suspension/expulsion may affect your ability to complete a program, your study permit if you are an international student, etc., this impact is the same for all students who are being suspended or expelled for non-academic misconduct. How does this sanction have a particularly severe/unreasonable impact on you?*

### 2. You've established at least one ground of appeal: now what?

If Student Appeals determines you have established at least one ground for your appeal, the Registrar (if you are appealing a decision by the Office of Community Conduct) or the Vice President, Academic (if you are appealing a

decision by the Registrar), will make two decisions: how your appeal will be heard, and what your appeal will cover. Student Appeals will advise you of those two decisions.

- **How will your appeal be heard?**

- Your appeal will be heard either by a review of the documentary evidence that you and the Office of Community Conduct/Registrar provided to [student.appeals@sait.ca](mailto:student.appeals@sait.ca) or by a formal hearing (or meeting).
- If you are appealing a non-academic misconduct decision by the Office of Community Conduct, the Registrar may decide to hear your appeal by way of documentary evidence (where the Registrar reviews the evidence that both you and the Office of Community Conduct provided and makes a decision on the basis of that evidence and without a formal hearing). The Registrar may also decide to hear your appeal by way of a formal hearing with you. In that case, the Registrar schedules this hearing (usually through a Teams meeting) and keeps you informed of each step in this process. You may ask the Registrar to consider scheduling this as an in-person hearing instead of through Teams. You can bring a supporter and interpreter (if needed) to this hearing (although they cannot speak for you).
- If you are appealing a non-academic misconduct decision by the Registrar, the Vice President, Academic (VPA) may decide to hear your appeal by way of documentary evidence (where the VPA reviews the evidence that both you and the Registrar provided and makes a decision on the basis of that evidence and without a formal hearing). The VPA may also decide to hear your appeal by way of a formal hearing in front of an appeal panel (where four members of the SAIT community come together as an appeal panel to hear both your side of the story and the Registrar's side of the story). In that case, the Office of the VPA schedules this hearing (usually through a Teams meeting) and keeps you informed of each step in this process. You may ask the Office of the VPA to consider scheduling this as an in-person hearing instead of through Teams. You can bring a supporter and interpreter (if needed) to this hearing (although they cannot speak for you).

- **What will your appeal cover?**

- This depends on the grounds that you have established for your appeal. The appeal could be a full review of the entire allegation of non-academic misconduct, a review of specific procedural elements of the original proceeding, a review only of the sanction, etc. Please note that once you have established the ground(s) for your appeal, you may not subsequently raise new grounds.

### **3. Who makes the final decision on my appeal? How/when will I find out that decision?**

If you are appealing a non-academic misconduct decision by the Office of Community Conduct, the Registrar makes the final decision on your appeal. If you are appealing a non-academic decision by the Registrar, either the VPA (if the appeal is by way of documentary evidence) or the Appeal Panel Chair (if the appeal is by way of a formal hearing) makes the final decision. Either way, within five business days of the decision being made, SAIT will send you a formal letter advising you of that decision.

### **4. I don't agree with the appeal decision: now what?**

The decision on your appeal is final and binding, and cannot be further reviewed within SAIT.

### **5. Where can I find more information on the appeal process?**

See [Schedule C](#), procedure AC.3.4.4 Student Non-Academic Conduct, for more information about the appeal process. You may also contact [student.appeals@sait.ca](mailto:student.appeals@sait.ca) or SAIT's Ombudsperson at [ombudsperson.info@sait.ca](mailto:ombudsperson.info@sait.ca).