

### **AC.3.4.4 Student Non-Academic Conduct Schedule D**

#### **Non-Academic Misconduct Hearing Processes and Principles**

1. Non-academic misconduct hearings comply with principles of natural justice and procedural fairness. This means that parties have the right to:
  - Receive prior notice of the hearing.
  - Know the case against them. This includes the right to know what information the other party is relying upon.
  - Have the hearing with or before impartial and unbiased decision-makers. A decision-maker(s) who has a bias or who has an actual or perceived conflict of interest cannot participate in the hearing.
  - Respond to the case being presented against them. This means they have the right to present supporting information and arguments. They also have the right to bring an interpreter, if one is required.
  - Have the matter determined solely on the basis of the evidence and the arguments presented to the decision-maker(s).
  - Receive written reasons for the decision.
2. Hearings are not open to the public (i.e., are “in camera”) and shall not be recorded or transcribed.
3. Appeal hearings are generally governed by the following processes:
  - The chair begins the hearing by introducing the panel members and other individuals attending the hearing, reviewing the grounds and reasons for the hearing and noting the parties’ supporting information.
  - The school/program makes their submissions, and the student then makes their submissions. The parties may respond to each other’s submissions.
  - Each party must provide the chair with a list of witnesses (if any) who will be appearing on the party’s behalf, within the deadlines that the chair establishes.
  - During and following the hearing, neither party will communicate with the decision-maker(s) about their cases without the other party’s knowledge and presence.
  - Oral arguments are limited to a maximum of two hours unless the decision-maker(s) rule otherwise.
  - Only the decision-maker(s) may directly ask questions of the parties and/or their witnesses. If a party has questions for the other party and/or the other party’s witnesses, the party must direct those questions through the decision-maker.
  - The decision-maker(s) may organize the presentation of supporting information and witnesses 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 impede the hearing.
4. Parties are responsible for contacting their own witnesses and/or interpreters and making all arrangements, at their own cost, for their witnesses and/or interpreters to attend the hearing. Witnesses are present at the hearing only during the time they are presenting their evidence and responding to questions from the decision-maker(s).

5. A hearing's decision must be in writing and must document the participants, the time and place of the hearing, the issues, the decision's date, the evidence presented by the parties, and the decision and reasons for the decision. The chair of the hearing prepares the decision.
6. Letters sent to members of the SAIT community about the outcome of a student's 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. The Office of Community Conduct is responsible for storing the original copy of these letters and for disposing of them in accordance with SAIT's record retention rules.
7. Any request for monetary compensation from SAIT shall not form part of any interview or hearing.

July 1, 2022