

## ST. CLAIR COLLEGE RESIDENCE APPEAL FORM

This form is to be completed by Resident's who have already completed the decision review stage of the appeal process, and who still feels like the decision was unfair, and who wishes to appeal that decision formally.

Name: _____	Today's Date: _____
Room # _____	Date on the Decision Letter: _____
e-mail: _____	Phone Number: _____

### Important Policy and Procedure Notes

1. Please read the Residence Community Living Standards (RCLS) for complete information about offenses, sanctions, and judicial processes. Summary information about the appeal process and related timelines is provided on the back of this form.
2. This form must be submitted to the decision-maker or the General Manager within **5 days** of receiving the original decision letter.
3. Resident's requesting an appeal must clearly demonstrate that they have grounds for an appeal, which includes providing evidence supporting one of the following items:
  - i. **Bias:** Reasonable apprehension of bias of the decision-maker who imposed the Sanction(s).
  - ii. **Procedural Fairness:** 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:** New evidence which could not have been available to the decision-maker when making the decision.

### Details of the Appeal Request

All appeals (except evictions) are encouraged to go through an informal appeal process prior to submitting an appeal request.

What Level of Offense are you appealing: 1)  2)  3)  **Eviction**

Who was the Decision-Maker: \_\_\_\_\_

Which grounds are you citing in your appeal: **A-Bias**  **B-Procedural**  **C-New Information**

**Please attach to this form a typed explanation of your appeal, including why the informal appeal process did not have a satisfactory outcome, and the evidence supporting the grounds for your appeal. Your argument needs to clearly illustrate your grounds for an appeal. You should provide all information necessary for the individual/committee to evaluate your appeal. If you have witnesses that can provide evidence, please include their names, room numbers, and contact information. You will receive a written response to your appeal request within 5 days.**

By signing below, I agree to the following:

- 1) I have read and understand the Residence Community Living Standards, the Appeals Process, and the requirements of my appeal letter described above;
- 2) I understand I may speak with services at the College for assistance with my appeal letter;
- 3) I understand that I may choose to go through the appeal process detailed within the Code of Student Rights and Responsibilities instead of the Residence Appeal Process.
- 4) I have attached my written explanation for my appeal.

Resident Signature: \_\_\_\_\_

**If you have any questions about the Appeal Procedures please contact a member of the Residence Life Staff or the General Manager.**

### **APPEAL PROCEDURES**

- (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 RCLS is entitled to submit an appeal.
- (c) A Resident has 5 business days from the date they receive their decision letter to start the appeal process. Depending on the original decision rendered, the appeal process proceeds as follows (see Appeal Process Chart):
  - i. The first stage is the informal appeal, where the resident contacts the decision-maker in writing to request a meeting to review the offenses and sanctions detailed in the Decision Letter. The decision-maker will respond to this request within 5 business days to set up a meeting. The resident may present new information and/or alternate sanctions for the decision-maker to consider. The decision-maker may alter the decision and/or sanctions.
  - ii. If the resident determines the outcome of the informal appeal is not satisfactory and they feel they have grounds for an appeal they may complete the Appeal Form and submit it to the Residence Office.
  - iii. In the event of an eviction, the process moves directly to an appeal and skips the decision review stage. If the resident has grounds for an appeal, the resident may complete the appeal request form and submit it to the Senior Vice President, College Operations (or designate).
- (d) The Resident requesting an appeal must demonstrate in their appeal request that they have grounds for an appeal, which includes providing evidence of one of the following items:
  - i. **Bias:** Reasonable apprehension of bias of the decision-maker who imposed the Sanction(s).
  - ii. **Procedural Fairness:** 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:** New evidence which could not have been available to the decision-maker when making the decision.
- (e) Once an appeal request is received Residents will be contacted in writing within 5 business days to set-up their appeal meeting or to notify them if their request for an appeal will be granted. In the case of eviction appeals, if the appeal is granted, the Senior Vice President, College Operations (or designate) will set-up the Eviction Appeal Committee, which will be comprised of 3 members of the Residence Operating Committee. One of the members of the Eviction Appeal Committee must be a student. Residents will be provided with additional information about Appeal Meeting procedures when the meeting is set-up.
- (f) The individual or committee considering the appeal may, after reviewing the case:
  - i. uphold the findings and/or sanctions;
  - ii. reverse the findings;
  - iii. reverse or modify the sanctions;
  - iv. determine that there was a procedural error and ask the original decision-maker to rehear the case.
- (g) During an appeal, all sanctions (minus financial sanctions) remain valid until they are reversed or modified by the individual or committee hearing the appeal.
- (h) All decisions made after an Appeal Meeting for Level 1, 2, and 3 offenses may be appealed through the non-academic misconduct appeal process detailed in St. Clair College's Code of Student Rights and Responsibilities. To initiate this process, Residents must file a complaint as detailed in the Code of Student Rights and Responsibilities.
- (i) At any point in the residence appeal process a Resident may elect to file a complaint through the St. Clair College Code of Student Rights and Responsibilities. This will pause the residence appeal process and initiate the non-academic misconduct appeal process detailed in the Code of Student Rights and Responsibilities. All decisions made by the Eviction Appeal Committee are final and are not subject to further appeals.