

# DURHAM COLLEGE/UOIT RESIDENCE APPEAL REQUEST FORM

Surname \_\_\_\_\_ First Name \_\_\_\_\_ Initial \_\_\_\_\_

Date (DD/MM/YY) \_\_\_\_ / \_\_\_\_ / \_\_\_\_ Date on the Decision Letter (DD/MM/YY) \_\_\_\_ / \_\_\_\_ / \_\_\_\_

Phone Number \_\_\_\_ - \_\_\_\_ - \_\_\_\_\_ Room Number \_\_\_\_\_ Email \_\_\_\_\_

## IMPORTANT POLICY AND PROCEDURE NOTES

1. Please read the Residence Community Living Standards for complete information about offenses, sanctions, and judicial processes. Summary information about the appeal process and related timelines is provided in this form.
2. This form must be submitted to the Residence Office within 5 business days of receiving the original decision letter.
3. Students may request to appeal a decision, or appeal to receive alternative sanctions on a decision. The resident requesting to appeal a decision must demonstrate that they have grounds, which includes providing evidence of one of the following items:
  - i. **Bias:** Alleged and reasonable apprehension of bias of the decision-maker who imposed the Sanction(s).
  - ii. **Procedural Fairness:** Alleged substantive 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:** Substantive new evidence which could not have been available to the decision-maker when making the decision.

Residents requesting to receive alternative sanctions on a decision must suggest options that are equivalent in nature to the original decision (this is not applicable to evictions).

4. Attach to this form a typed explanation of your appeal, including 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 request. If you have witnesses that can provide evidence, please include their names, suite numbers, and contact information.
5. You will receive a written response to your appeal request within 72 hours.

## DETAILS OF THE APPEAL REQUEST

What level of violation you are appealing:

For levels 1)  2)  3)

Which grounds are you citing in your appeal:

A-Bias  B-Procedural  C-New Information  Alternative Sanction

For evictions

Which grounds are you citing in your appeal:

A-Bias  B-Procedural  C-New Information

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

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 Student Services for assistance with my appeal letter,
3. I have attached my written explanation for my appeal.

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

## OFFICE USE ONLY

Date (DD/MM/YY): \_\_\_\_ / \_\_\_\_ / \_\_\_\_ Staff Name: \_\_\_\_\_ 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

The following general principles apply to all appeals:

- (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 RLCS is entitled to submit an appeal, based in the grounds for an appeal mentioned below.
- (c) A resident has 5 business days from the date they receive their Decision Letter to start the appeal process. Staff will endeavour to respond to appeal requests within 5 business days of receiving them.
- (d) Depending on the original decision rendered the appeal process proceeds via one of two processes: the Appeal Process or the Eviction Appeal Process, which are detailed below.
- (e) If the resident determines outcomes of the Decision-maker are not satisfactory and they have grounds for an appeal they may complete the appeal request form and submit it to the Residence Office, who will in turn submit to the chair of the institution's student conduct committee.
- (f) Student Conduct Committee Membership is typically as follows:
  - i. Chair
  - ii. Dean - identified for a two year term (substitute to be identified in the event that the student accused of violating the Student Conduct policy is registered in the dean's school).
  - iii. Student Affairs representative – two year term.
  - iv. Student Representative – selected by the committee from campus wide applications – one year term.
  - v. Student Representative (alternate) to be available in the event of a conflict of interest. Selected by the committee from campus wide applications – one year term.
- (g) In the event of an eviction, if the resident has grounds for an appeal, the resident may complete the formal appeal request form and submit it to the Residence Office who will forward the appeal to the chair of the student conduct committee.

## THE APPEAL PROCESS

- (a) The Appeal Process is in place for all decisions excluding Eviction.
- (b) Students may request to appeal a decision, or appeal to receive alternative sanctions on a decision. In both cases, students must complete an Appeal Request Form and submit it to the Residence Office, within 5 business days of receiving the decision letter. The resident requesting to appeal a decision must demonstrate that they have grounds, which includes providing evidence of one of the following items:
  - i. **Bias:** Alleged and reasonable apprehension of bias of the Decision-maker who imposed the sanction(s).
  - ii. **Procedural Fairness:** Alleged substantive 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:** Substantive new evidence which could not have been available to the Decision-maker when making the decision.Residents requesting to receive alternative sanctions on a decision must suggest options that are equivalent in nature to the original decision (this is not applicable to evictions).
- (c) Once the Appeal Request Form is received, the resident(s) will be contacted in writing within 72 hours to setup an appeal meeting. If the appeal is granted, the Student Conduct Committee will set-up an Appeal Meeting with the resident(s).
- (d) The individual or committee considering the appeal may, after reviewing the case:
  - i. uphold the findings and/or sanctions;
  - ii. reverse the findings; or
  - iii. reverse or modify the sanctions.
- (e) During an appeal, all sanctions (minus financial sanctions) remain valid until they are reversed or modified by the individual or committee hearing the appeal. Financial sanctions will not be applied until a decision has been made.
- (f) All decisions made in an appeal are final and are not subject to further appeals.

## THE EVICTION PROCESS

- (a) If the resident has grounds for an appeal, the resident may complete the Appeal Request Form and submit it to the Residence Office, within 5 business days of receiving the eviction. The resident requesting the appeal must demonstrate that they have grounds, which includes providing evidence of one of the following items:
  - i. **Bias:** Alleged and reasonable apprehension of bias of the Decision-maker who imposed the sanction(s).
  - ii. **Procedural Fairness:** Alleged substantive 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:** Substantive new evidence which could not have been available to the Decision-maker when making the decision.
- (b) Once an eviction Appeal Request Form is received, the Student Conduct Committee will review the grounds for the appeal and make a decision to either deny the appeal or set-up an Eviction Appeal Hearing. The resident(s) will be contacted within 72 hours to notify them of this outcome.
- (c) If the appeal is granted, the Student Conduct Committee will set-up and chair the eviction appeal. The Student Conduct Committee Membership is typically as follows:
  - i. Chair
  - ii. Dean - identified for a two year term (substitute to be identified in the event that the student accused of violating the Student Conduct policy is registered in the dean's school).
  - iii. Student Affairs representative – two year term.
  - iv. Student Representative – selected by the committee from campus wide applications – one year term.
  - v. Student Representative (alternate) to be available in the event of a conflict of interest. Selected by the committee from campus wide applications – one year term.
- (d) The Eviction Appeal Committee will communicate a decision in writing to the resident. The committee will review all evidence and may decide to:
  - i. uphold the findings and/or sanctions;
  - ii. reverse the findings; or
  - iii. reverse or modify the sanctions;
- (e) During a, appeal, all sanctions (minus financial sanctions) remain valid until they are reversed or modified by the individual or committee hearing the appeal. Financial sanctions will not be applied until a decision has been made.
- (f) All decisions made in an Eviction Appeal Hearing are final and are not subject to further appeals.