

Guidelines for Submitting an Appeal Requests

Appeals requests can be submitted within 5 business days of the outcome letter after a hearing with the Student Conduct Officer, The Discipline Committee, or the Judicial Board.

Why Are You Appealing?

Grounds for appeal must meet one of these conditions:

1. There is a perception of prejudice or bias, or an unfair application of outcomes on the part of the examiner,
2. There was a procedural error that impacted the outcome of the process,
3. There were significant mitigating circumstances at the time of the incident, that were not known by the examiner/adjudicator, or not reasonably practical for the appellant to have made known to the examiner/adjudicator.

What Are You Appealing?

In your request form you can appeal the finding of responsible, and or the outcome(s).

If you are requesting to appeal the **finding of Responsibility**:

- This means you did not take responsibility and don't believe you are in violation of an article of the Code.
- Explain why you feel the finding of responsible was not appropriate.
- If there is more than one violation be specific about which one(s) you are appealing.
- Demonstrate the grounds on which you feel the finding is wrong.

If you are requesting the appeal of an **outcome(s)**:

- This means you take responsibility for the violations, but you think feel the outcomes applied are not appropriate.
- If there are multiple outcomes, please specify which outcome(s) you are requesting to appeal.

The Appeal Request Form is intended to guide you to provide the information the Chair needs to consider whether a hearing is appropriate.

Your request should describe what condition you feel is applicable and why there are grounds for an appeal hearing.

"I feel that the outcome is too harsh for the finding because..."

"There was evidence presented at the hearing that was not provided to me ahead of time, that impacted the decision or outcome..."

"Since the hearing, I have been diagnosed with a medical condition that my health care provider believes impaired my judgement at the time of the incident. I was not aware of my condition at the time and was not able to manage the effects."

Remember that decisions are made on the preponderance of evidence – “was it more likely to have happened than not, based on the information available?”

Your request should not be a statement of your case to the committee – save that for the hearing.

Can I Submit New Information?

Generally, no. The Appeals Chair and the committee members will only receive all the information that was part of the original hearing.

However, if you have new information that you feel would impact the finding or outcome, the Chair determines if it may be allowed in the event of a hearing. The request to provide new information should be made as part of the Appeal Request. Do not send the new information with the request. In the Appeal Request describe the nature of the new information, how it is relevant, why it was not reasonably available at the time of the original hearing, and state that you would like to provide the new information for consideration at a hearing.

New information - not reasonably practical for the student to have provided it to the examiner/adjudicator at the time of the original hearing.

If the Chair allows it, you may submit the new information to the Student Life Office. It will also be given to the adjudicator so that it is fairly reviewed ahead of the hearing. New information can be things like documentation from a health care provider or new video that was not available before. Witness statements can only be submitted directly from the witness to Student Life – statements received other than directly from the witness may not be considered as information. Character statements are not typically considered new information.

What Happens After I Submit it?

All communication from the Appeals Chair and from the appellant are coordinated through the Student Life Office Assistant. This is done to ensure that all the relevant documentation is stored securely and all in one place.

Once you have completed and reviewed the Appeals Request Form it can be addressed to the Chair of the Appeals Committee, then dropped off to Student Life or emailed to studentlife@stfx.ca. It will be sent to the Chair, who will consider the request and decide if there are grounds for a hearing. The Chair will notify Student Life whether a hearing is granted or not, within a few days. If a hearing is granted you will be notified by email of a hearing date, time and location. You will be given at least 5 days' notice so that you can prepare your statement.

If a hearing is not granted you will be notified by email with an explanation of the Chair's determination.

What if I am Involved in Another Incident Before the Hearing?

It Happens. You will meet with the Student Conduct Officer for the new incident, as per the normal process. If you are found in violation this information and the typical outcomes for the violation, would be sent to the Appeals Committee. The outcome of the hearing may impact the outcome of the new incident. Here is an example:

You were placed on Residence Probation and are appealing the outcome, asking for a lesser sanction. Before your hearing takes place, you are found responsible for another incident, and the typical outcome for that is Residence Probation. The Student Conduct Officer will meet with you, inform you of the typical outcome, and send the new information to the Appeals Committee. If the committee decides to modify the outcome of the original incident, they will consider the pending outcome of the new incident.

I Need Help With This!

You have support. The Student Advocates can help you navigate the process and offer advice with writing your Appeal Request. They are hired by the Students' Union and are not part of Student Life, so they can help you and be completely objective. You can reach them at su_advoc@stfx.ca or visit them during their office hours posted on the desk at the Student Life Office.