

# NIAGARA COLLEGE 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 72 hours of receiving the original decision letter.
3. Residents requesting an appeal must demonstrate that they have grounds for an appeal, which includes providing evidence supporting 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.
  - iv. **Alternative Sanctions:** The resident may request for their sanction to be altered by suggesting 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

A summary of the Appeal Procedures is presented in the chart following this section. 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 72 hours from the date they receive their Decision Letter to start the appeal process. Staff will endeavour to respond to appeal requests within 72 hours 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.

## THE APPEAL PROCESS

- (a) The Appeal Process is in place for all decisions excluding Eviction.
- (b) Students may complete an Appeal Request Form and submit it to the Residence Office, within 72 hours of receiving the decision letter. The resident requesting an 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.
  - iv. **Alternative Sanctions:** The resident may request for their sanction to be altered by suggesting 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 GM (or designate) 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 Director, Student Services (or designate), within 72 hours 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, Director, Student Services (or designate) (or designate) 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 Director, Student Services (or designate) will set-up the Eviction Appeal Committee, which will be comprised of a Student, the Director of Residence Life from Campus Living Centres (or designate), and the Director of Student Services (or designate). One of the members of the Eviction Appeal Committee must be a student, and one member must be a member of Residence Senior Management. Residents appealing an eviction will be provided with additional information about Appeal Hearing procedures.
- (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.