



# Procedure

Procedure Name	<b><i>Student Non-Academic Misconduct Appeals</i></b>		
Procedure #	SR 1.5	Parent Policy	SR 1.0 Student Rights and Responsibilities
Policy Owner	Vice President, Students and Campus Life	Effective Date	February 1, 2021
Procedure Owner	Director, Campus Life Administration	Review Date	February 1, 2026
Approved by	Executive Management Committee	Approval Date	January 20, 2021

## 1.0 Purpose/ Background

This procedure defines the principles and processes of conducting Student Appeals when a student has been found responsible for non-academic misconduct via a Formal Adjudication Process. In keeping with principles of natural justice, all students who have been found responsible of a violation of the NAIT Student Rights and Responsibilities Policy via a Formal Adjudication Process have the right to contest the findings of that process to ensure procedural fairness.

An appellant case should be heard by individuals trained in NAIT policies and procedures and should allow space for the student to state why they are appealing. Appellate board members should be unbiased and free from encumbrances due to conflicts of interest.

The goal of any conduct process at NAIT should be centered in NAIT values and focused on education of the students involved.

## 2.0 Definitions

Term	Definition
Appeal	To apply to a higher authority to overturn the original decision
Appellant	The person appealing a formal adjudication decision. The appellant may be the respondent or the complainant.
Complainant	The person who brings forward information that a violation of this Policy may have occurred OR who was primarily impacted by the violation.
Formal Adjudication	The process followed when an alleged violation has taken place that cannot be resolved via Alternative Dispute Resolutions, or where an Alternative Dispute Resolution has tried and failed. The violation is investigated and a decision of responsibility is rendered along with sanctions as appropriate.
Respondent	Someone who is alleged to have violated the Policy.

Responsible	A declaration or determination that a respondent did engage in the commission of a behaviour or harm.
Sanction	Binding requirements that a student must follow resulting from formal adjudication of misconduct that are recorded on a student's conduct file.
Student Resolution and Appeals Board	A body of 3-5 NAIT community members who hear appeals and render decisions on process when the Student Resolution Office is in conflict or unavailable. They are called as needed from the Student Resolutions and Appeals Board Pool.
Student Resolutions and Appeals Board Pool	A group of trained individuals who may be called upon to sit on the Student Resolution and Appeals Board.
Violation	Behaviour that is contrary to one or more of the rights, or negligent of one or more of the responsibilities, listed in this Policy.

### 3.0 Procedures

- 3.1 An appellant may request an appeal hearing within 10 business days of the receipt of the decision by contacting the Student Resolution Office.
- 3.2 Upon receipt of the request to appeal, the Student Resolution Office will appoint a Student Resolution Appeals Board (SRAB) Chair. The SRAB Chair will be a Dean (or designate).
- 3.3 The SRAB Chair will assess the appellant's request and has the authority to grant or deny an appeal hearing.
- 3.4 Appeals will only be granted if one of the following conditions is demonstrated by the appellant, and the SRAB Chair will decide if the appellant has satisfactorily demonstrated the below based on a balance of probabilities:
  - a. The decision or sanction is unfair
  - b. New information has become available that would change the outcome of the case
  - c. The appropriate process was not followed, was unfair, or was demonstrably flawed.
  - 3.4.1 Should the SRAB Chair deny an appeal hearing, this decision and rationale will be communicated to the appellant and the Student Resolution Office.
  - 3.4.2 The decision to grant or deny the appeal hearing by the SRAB Chair is final. The decision will be communicated to the appellant and the Student Resolution Office within 15 business days of the Chair's receipt of the request.
- 3.5 If the SRAB Chair grants the appeal, the Student Resolution Office will issue a call to the Student Resolutions and Appeals Pool soliciting participation from members to form the Student Resolution and Appeals Board. They will be informed of the name of the appellant and the School the appellant is registered with.
- 3.6 The Student Resolution and Appeals Board (SRAB) will consist of a minimum of 3 members
  - a. At least one Senior Academic Administrator (Dean or Associate Dean)

- b. At least one Faculty or Staff Member (Instructor, Program Chair, Support Staff Member)
  - c. At least one student or student representative.
- 3.7 The preference is for a 4- or 5-person board, made up of equal representation of faculty and students. In the event that equal representation is not possible, student representation should be the majority.
- 3.8 All members of the SRAB must have completed SRAB training before hearing a case, unless exceptional circumstances apply in which case the untrained individual(s) would be replaced by an Associate Dean – Academic or designate.
- 3.9 Selection of SRAB members will be based on whichever qualified individuals are the first to respond to the call for Board Members. Board Members must not be affiliated with the case in any way.
- 3.10 The composition of the SRAB will be communicated to the appellant by the Student Resolution Office prior to the first meeting. If the appellant believes there to be a conflict of interest with any member of the SRAB, they must inform the Student Resolution Office of their concern, and a new SRAB volunteer will be selected.
- 3.11 Every effort will be made to ensure appeals are heard as soon as possible should the SRAB Chair grant an appeal hearing, subject to appellant preferences and the availability of SRAB members. If the appellant is unable to attend an appeal within 10 business days of the request, application for an extension may be made to the Chair of the SRAB.
- 3.12 The SRAB may suspend a sanction while the hearing is in progress, so long as doing so does not represent a risk to the NAIT community, and except in cases where the sanction was issued by the Threat Assessment Team.
- 3.13 The SRAB will be entitled to review all details and evidence pertaining to the case, both information held by the Student Resolution Office and produced by the appellant. The SRAB may request interviews with complainants, respondents, or witnesses as they see fit.
- 3.14 If further information is required, the SRAB may vote to contact Protective Services or another designated party (such as a private firm or an individual with investigative skill, training, or experience) to conduct an additional investigation or re-do the original investigation.
- 3.15 Upon completion of their information review and, where applicable, information gathering, the SRAB may overturn a decision, reduce a sanction, or increase a sanction as they see fit in accordance with sections 4.2 and 4.3 of SR 1.04: Formal Adjudication Procedure.
- 3.16 Decisions by the SRAB will be communicated in a secure written form (email or letter) by the SRAB Chair within 15 business days of adjourning the SRAB meeting where a decision has been reached. Should more time be required, the Chair of SRAB will notify

the appellant within that 15 business day period. Decisions will include a summary of the hearing and the reasons for the decision.

3.17 Decisions by the SRAB are final.

#### 4.0 Exceptions to the Procedure

4.1 Exceptions to this procedure must be documented and formally approved by the Policy Lead.

Procedure exceptions must include:

- The nature of the exception
- A reasonable explanation for why the procedure exception is required
- Confirmation that the exception aligns with the general principles
- Any risks created by the procedure exception and how they will be managed.

#### 5.0 Related Documentation

HS 3.0: Sexual Violence Prevention and Response Policy

HS 3.1: Sexual Violence Response Procedure

CS 1.1.1 Threat Assessment Team Procedure

HR 6.0: Respectful Workplace Policy

HR 6.1: Respectful Workplace Procedure

#### ***Document History***

<i>Date</i>	<i>Action/ Change</i>
January 2021	Three-year review complete. Minor revisions.
September 1, 2021	Clarified the number of business days in 3.4.1.
February 23, 2022	Clarified decision process in 3.4.1 and 3.4.2
November 28, 2023	Reduced scope of procedure to non-academic misconduct; changed policy owner and procedure owner