

Interim Appeal Process



September 28, 2009

The following Interim Appeal Process will be in effect until which time the new Appeal Process is posted on the Student Housing Services website.

A resident may appeal a decision to the Residence Appeals Committee (except a decision to temporarily separate the student appellant and a student respondent)

The resident has five business days from the time they receive notification from the Residence Life & Education Coordinator (or designate) to submit a formal appeal, in writing. A resident may appeal on the following grounds:

- A. Bias and/or unfair treatment – any procedural error, improper investigation, discrimination etc.
- B. The sanction does not suit the infraction/behaviour
- C. New information has come to light – new witness, something not known when the original decision was made etc.

An appeal shall be submitted in writing and addressed to the Chair of the Residence Appeals Committee and submitted to the Director of the Office of the Vice-Provost Students (OVPS) in Jorgensen Hall. Specific grounds for the appeal must be outlined and a request must be made for the Residence Appeal Committee to review the situation.

Once again, the resident must submit the appeal within five business days. Once received, the Chair of the Residence Appeals Committee will forward the appeal to the other committee members within two business days.

The decision of the Residence Appeals Committee is final and binding and shall not be the subject matter of an appeal under the Ryerson Student Code of Conduct. However, any appeal to the Ryerson Appeals Committee and any decision resulting from such appeal shall not preclude or affect any action which may be taken pursuant to the Ryerson Code of Student Conduct or other authorized policy or procedure of the university.

Advisor to Assist Only: A Resident has the right to have an advisor prior to and present at a meeting; however, the advisor is not allowed to represent or speak on behalf of the student. A language interpreter will be allowed to participate at the request of the resident or Student Housing Services.

Resident Responsible for Expenses: Any costs and all expenses incurred by a resident while appealing a decision of Student Housing Services is the responsibility of that resident and will NOT be reimbursed by the university.

Separation of Residents: Pending the hearing of an appeal Student Housing Services may separate the residents involved, direct them to avoid each other and advise them to keep the matter private until the situation can be properly investigated and resolved.

In a case where the residents reside in the same building, separation will likely involve directing the residents to alternate accommodations as designated by Student Housing Services until a final decision is made by the Residence Appeals Committee. The alternate accommodations could be in another room, floor, building or off-site. Please note that separation of the residents involved is not meant to be a sanction, but a means to establishing conditions suitable for facilitating privacy and a safe and quick resolution of the case.

Establishing the Committee: Upon receiving an appeal the Chair of the Residence Appeals Committee will contact the following members of the Ryerson Community to establish the Residence Appeals Committee and outline their responsibilities:

- A. President of the Residence Council
- B. President of Ryerson Students' Union (RSU)
- C. President of the Ryerson Faculty Association (RFA)
- D. Director, Student Community Life

Composition of the Committee: The committee shall be composed of five members meeting the following conditions:

- A. The President of the Residence Council or his/her designate
- B. One member of the Residence Council who shall not be from the same floor as the resident appeal the case
- C. One student member designated by the President of the RSU who must be a former resident.
- D. One Ryerson Faculty member designated by the President of the RFA
- E. One member designated by the Director, Student Community Life from the OVPS, other than Student Housing Services.

Chairperson's Responsibilities: After receiving an appeal, the Chair shall:

- A. Inform the committee members that an appeal has been submitted and find a time to hear the appeal
- B. Inform the residents and Student Housing Services, in writing, of the date, time and place of the hearing.
- C. Inform the residents and Student Housing Services, in writing, of the names of the committee members participating in this case

Hearing Preliminaries

- A. At any proceeding before the committee, the appellant and respondent may have assistance of an advisor.
- B. If the resident(s) involved are not present at the time appointed for the hearing, the committee shall first attempt to determine the reason for the resident(s) absence. The committee may not consider the absence of a party as relevant to whether the resident committed the alleged violation of the Residence Community Standards. The committee may proceed in the absence of the resident(s) and may make its decision.
- C. Hearings may be recorded at the discretion of the committee

Hearing Procedures

- A. Responsibility for recognizing all speakers lies with the Chair
- B. The respondent shall first present the allegation against the appellant and then through the medium of evidence, describe the results of any investigations
- C. The respondent may call witnesses or present testimony and/or written statements from any person including the appellant.
- D. The appellant may call witnesses or present testimony and or written statements from any person including the respondent.
- E. Both the appellant and respondent shall be given an opportunity to question any witness called by the other.
- F. Any time during the proceedings, members of the committee may question witnesses or parties to the proceedings.
- G. After the presentation of all the evidence to the committee, each party may present arguments to the committee on the applicability of the Residence Community Standards or the interpretation of any sections of the Standards. At this time, the respondent and the appellant may make recommendations to the committee about the appropriate sanctions should it be found that violation(s) have been committed.
- H. During the appeal hearing the committee may consider any relevant information, shall not be bound by the strict rules of legal evidence, and may take into account any information which it considers of value in determining the issues involved.
- I. After both parties have presented their respective submissions, the committee shall go into a closed session to determine whether the appellant has committed the alleged violation and, if so, the sanction(s) to be imposed. A member of the committee shall vote against the appellant only if s/he is convinced by the preponderance of the information presented that the appellant has committed the act(s) as charged. A majority vote of the committee members shall prevail.
- J. After the committee has made its decision, the Secretary to the Committee shall inform the appellant in writing of the disposition of the appeal within three working days. Any disciplinary sanctions imposed by the Committee shall be in effect immediately unless otherwise specified.
- K. The notice of the appellant and the respondent of the finding of the Residence Appeals Committee shall include:
- L. The facts found to be true; the section of the Residence Community Standards found to have been violated or not violated; and the sanction(s) imposed (if appropriate).