



## RESIDENT APPEAL PROCESS Frequently Asked Questions

### Who can file an appeal?

Any resident student found in violation of the Residence Community Living Standards or the Residence Contract who meets the required grounds for appeal.

### What are the grounds for appeal?

Residents need to review their incident in order to ensure that the reason(s) for appealing a decision meet one or more of the following grounds:

1. A lack of procedural fairness which impacted the outcome of the decision. For example: bias, improper investigation or process, unfair treatment, and/or discrimination.
2. The outcome is unreasonable given the behaviour involved.  
*Note: A resident's prior discipline record is considered when outcomes are issued. Outcomes are progressive as violations occur.*
3. New information has come to light rendering the original decision as unreasonable.

### Is there someone I can talk to about the appeal process to get my questions answered?

To address any questions about the residence conduct process (including appeals), students are encouraged to speak with their Residence Life Manager, Community Assistant or the Community Standards Officer. The Residence Life Staff and Community Standards Assistants are also valuable resources.

### Who is the Community Standards Officer?

The Community Standards Officer works out of the Residence Life Office in Maritime Hall. To book a meeting with the CSO drop by the main reception or email [reslife@uoguelph.ca](mailto:reslife@uoguelph.ca). Alternatively, you can also contact the Community Standards Assistants at [rezrules@uoguelph.ca](mailto:rezrules@uoguelph.ca).

### How do I file an appeal?

A resident has 3 business days from the date they receive their written outcome letter (via email) from a decision maker to submit an Appeal/ Request to Review Form to the Community Standards Officer.

Appeal/Request to Review Forms can be picked up from your Residence Life Manager/Community Assistant, Student Housing Services or downloaded from the Residence Life website, [www.reslife.uoguelph.ca](http://www.reslife.uoguelph.ca).

Appeal/Request to Review Forms are to be submitted to the Community Standards Officer at the Residence Life Office located in Maritime Hall.

**What information does the Appeal/Request to Review Form ask for?**

The Form will ask you for several pieces of basic information. For example: name, email, phone number, etc. You will be asked to check off which of the three grounds you are basing your appeal on. You will need to clearly state the decision being appealed and rationale for selecting the grounds of your appeal.

It will be crucial for you to submit documentation and a written argument supporting the grounds for appeal. Think to yourself: Why should my appeal be considered? You may also include any contact names/information of witnesses with knowledge related directly to the appeal grounds or evidence relevant to the incident.

**Can I request a delay of any sort?**

Requests for an extension of time to prepare the required information for your Appeal/Request to Review Form or for your appeal conference can be made in consultation with the Community Standards Officer. A reasonable delay shall be granted if a resident can provide good reason for the request.

**Who hears an appeal?**

Appeals must meet one of the grounds mentioned above in order to move along in the appeal process. Appeal Request Forms will be reviewed by the Community Standards Officer who will grant or deny the appeal request.

Depending on the nature of their violation, residents may choose their appeal route once an appeal is granted.

**What is the route to appeal?**

In the event that a resident wishes to appeal the outcome of eviction, the appeal will typically be heard by the Residence Community Integrity Board (RCIB). The RCIB is a panel of residence students trained to consider and decide upon an appeal of a residence violation.

Students wishing to appeal a decision where matters of a sensitive nature may be discussed (e.g. mental health, sexual assault, harassment, and addictions) will be requested to meet with the Community Standards officer to discuss the most suitable appeal route.

The Director of Student Housing Services may hear appeals involving violations and incidents which are severe enough (e.g. eviction orders resulting in the immediate termination of a residence contract) that an appeal should happen as soon as possible, or when the Associate Director, Residence Life has made the decision.

It should be noted that the Residence Community Integrity Board is not in session until the first week of October nor available to hear appeals during the exam periods. All appeals during this time may be heard by the Associate Director, Residence Life or the Community Standards Officer or an adhoc committee of board members from the previous academic school year.

Lastly, an appeal may be heard by the supervisor of the decision maker.

**What happens while my appeal is waiting to be heard or is being heard?**

All financial outcomes (fines and behaviour bonds) will be put on hold at request, pending the result of your appeal conference.

Probationary outcomes are still in effect throughout the appeal process.

Eviction/Transfer outcomes may result in you being relocated or asked to leave residence. Should you be asked to leave, your current residence room may be held for you pending the outcome of your appeal conference.

Should you be asked to leave your current residence room, you will also be prohibited from entering all residence buildings for the duration of the appeal process.

These decisions will be made by the Associate Director, Residence Life.

**Can I bring witnesses to my appeal conference?**

If you are interested in bringing one witness to your appeal conference you may do so. Please be sure to fill out the Witness Section of the Appeal Request Form. Your witness will be contacted by the Community Standards Officer in order to arrange an appearance at your appeal conference.

The RCIB will ask your witness a series of questions and provide an opportunity for a final comment. Your witness is expected to conduct themselves in a respectful manner at all times or they will be asked to leave the room. Your witness is only permitted to comment at given times in the appeal process.

You may also bring a support person. This can be a friend, a family member or a member of the community. The role of your support person is to provide comfort and encouragement to you throughout the appeal conference. Your support person is not permitted to address the RCIB on your behalf.

As this is an administrative process, legal representation is not required. The Residence Community Living Standards and all violation therein are internal to the department of Student Housing Services.

**What happens during the appeal process?**

Once your appeal request has been granted, the Community Standards Officer will arrange an appeal conference time.

Should you choose to have your appeal heard by the RCIB, an appeal conference is an opportunity for you to outline your case to a panel of your peers.

Should you choose to have your appeal heard by an Administrator (e.g. the Community Standards Officer, Associate Director, Residence Life or Director) these individuals will act solely as the 'panel' during your appeal conference.

The decision makers in the appeal process, depending on your appeal route, will be the RCIB, Associate Director, Residence Life or the Community Standards Officer.

At the appeal conference, you will be asked to present your case and your rationale behind appealing the decision. A series of questions will follow. Your witness, should you decide to bring one, will then be asked for their comments.

Upon conclusion, the Residence Life Manager/Community Assistant/Associate Director, Residence Life involved will be given an opportunity to present their rationale for making their original decision. These persons are also permitted to bring one witness.

All involved parties will be asked to leave the room in order to allow for deliberation.

The objective of any appeal conference heard by the RCIB is to provide a recommendation to the Director of Housing Services. The recommendation will be in writing.

If using the RCIB route, a vote will take place once a written recommendation is in place. A  $\frac{3}{4}$  majority vote is required for all recommendations to be approved within the RCIB.

The recommendation is presented to the Director of Housing Services by the Community Standards Officer. All recommendations must be witnessed by the Director of Student Housing Service in order to be processed as the official outcome of the appeal conference heard by the RCIB.

Recommendations made by the decision makers will either uphold the original decision of the Residence Life Manager/Community Assistant/Associate Director, Residence Life or will overturn the decision while making a recommendation for a new outcome, if any. Please note that recommendations could include increasing the original outcome assigned.

Once the official outcome has been processed, the resident who filed the appeal will receive a letter from the Community Standards Officer outlining the official outcome.

The resident and the Residence Life Manager/Associate Director, Residence Life will receive written notice of the outcome within 48 hours of the appeal conference should there be no complications (vacation, sick leave, extenuating circumstances).

Once a recommendation has been witnessed by the Director of Student Housing Services there are no further avenues of appeal.

In the event where the confidentiality of a witness must be preserved for reasons of personal safety, the Community Standards Officer will meet with the witness privately. Pre-determined questions will be developed by the RCIB. The witness will be asked to respond to the questions. The witness's response, without disclosing any information that would reveal the witness's identity, will be presented to the RCIB to be considered as part of the appeal conference.

If a resident/witness fails to appear for the appeal conference without a valid reason, the hearing will happen without the resident and/or their witness.

#### **How will my appeal be judged?**

A decision to determine the recommendation of an appeal conference will be reached with a reasonable degree of probability. This means that the board members making the decision must find that it is more likely than not that a contested fact exists. This burden of proof is not as high as the court system which requires a burden of proof that is beyond a reasonable doubt.

The resident who is appealing is responsible for establishing the burden of proof to the decision makers involved in the process.

When making a decision for recommendation, the RCIB will consider the Appeal/Request to Review Form, the information presented orally by all parties involved, and any presentations made by witnesses.

#### **What about my privacy?**

All documents, details and information pertaining to the case are private and confidential. All members of the board must maintain without time limit, all information in the strictest of confidences throughout and after the entire appeal process.

Any concerns regarding privacy should be brought to the attention of the Community Standards Officer immediately.

It should be noted that a summary of prior violations of the Residence Community Living Standards, should you have any, will be presented to the RCIB by the Community Standards Officer.

*Reminder: A resident's prior discipline record is considered when outcomes are issued.*

**What happens if I feel someone on the board or a member of Student Housing Services involved in my appeal has a conflict of interest?**

Should you feel that a member of the RCIB has a conflict of interest in hearing your appeal, you are required to arrange a meeting time with the Community Standards Officer twenty-four (24) hours prior to your appeal conference. Should your conflict of interest be substantiated, an alternate from the corresponding board will be put in place to hear your appeal.

Should you feel that a member of Student Housing Services has a conflict of interest in hearing your appeal, you are encouraged to use the alternate appeal process if possible. If not possible, you are encouraged to speak with the Community Standards Officer who will direct you to the appropriate person(s) and will arrange for an alternative should your conflict of interest be substantiated.

**How will Student Housing Services communicate with me?**

Student Housing Services will contact you in writing via your University of Guelph email account.