



Resident Appeal Process Frequently Asked Questions

What are the grounds for an appeal?

- Any residence student found in violation of the Residence Community Living Standards (RCLS) or the Residence Contract may file an appeal if they meet the required grounds for appeal. The reason(s) for appealing a decision must 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 conduct history 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.

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 decisionmaker to submit an Appeal Form.

The Appeal Form is found online at <https://uoguelph.starrezhousing.com/StarRezPortal>

- . You are encouraged to write your appeal in a separate document first, as the webpage may time out.
Include a written argument supporting your grounds for appeal. You may also include any names/contact information of witnesses with knowledge related directly to the appeal grounds or evidence relevant to the incident.

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

- Residence Behaviour and Wellness Manager – rbwm@uoguelph.ca
- Community Standards Assistant – communitystandards@uoguelph.ca
- In your Residence Area:
 - (Assistant) Residence Life Manager • Residence Area Coordinator • Community Assistant • Residence Life Staff

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

- Financial outcomes (fines/conditional fines) will be put on hold at request, pending the result of the 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 and you may 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.

----- *Who hears appeals?* -----

- Appeal Forms are reviewed by the Residence Behaviour and Wellness Manager (RBWM) who grants or denies the appeal request, depending on if it meets one of the 3 appeal grounds. Residents may then choose their appeal route once an appeal is granted.
- 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 RBWM to discuss the most suitable appeal route. The RBWM will advise if a certain route is unavailable (e.g. RCIB not in session).

The appeal routes are:

- **Residence Community Integrity Board (RCIB) - Peer based**
 - The RCIB is a panel of residence students trained to consider and decide upon appeals of residence violations
 - The RCIB is not in session until October nor available to hear appeals during exam periods. All appeals during this time may be heard by the Associate Director, Residence Life, the RBWM or an adhoc committee of board members from the previous academic year
- **Administrator or Associate Director, Residence Life**
 - The Director of Student Housing may hear appeals involving violations and incidents which are severe enough that an appeal should happen as soon as possible (e.g. eviction orders resulting in the immediate termination of a residence contract). They may also hear appeals when the Associate Director, Residence Life was the decisionmaker.
 - The supervisor of the decisionmaker may also hear appeals.
- **Alternative Dispute Resolution (with RBWM)**

----- *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 decisionmakers involved in the process.
- When making a decision for recommendation, the RCIB will consider the Appeal Form, the information presented orally by all parties involved, and any presentations made by witnesses.

What happens during the appeal process?

- If appeal request is granted, the Residence Behaviour and Wellness Manager arranges a 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 peers. Should you choose to have your appeal heard by an Administrator, that individual will act solely as the 'panel' during the appeal conference.
- The decisionmakers in the appeal process, depending on your appeal route, will be the RCIB, Associate Director, Residence Life or the Residence Behaviour and Wellness Manager. 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. 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.
- In the event where the confidentiality of a witness must be preserved for personal safety reasons, the Residence Behaviour and Wellness Manager will meet with the witness privately to respond to questions, which will be pre-determined by the RCIB. The witness' responses, without disclosing any information that would reveal the witness' identity, will be presented to the RCIB to be considered as part of the appeal conference.
- Upon conclusion, the original decisionmaker (Residence Life Manager/Residence Area Coordinator/Community Assistant/Associate Director, Residence Life) involved will be present their rationale for making their original decision. These persons are permitted to bring one witness. All involved parties will leave the room in to allow for deliberation.
- The objective of any appeal conference heard by the RCIB is to provide a written recommendation to the Director of Housing Services. If using the RCIB route, a vote takes place once a written recommendation is in place. A ¾ 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 Residence Behaviour and Wellness Manager. All recommendations must be witnessed by the Director of Student Housing Services to be processed as the official outcome of the appeal conference heard by the RCIB. Recommendations made by the appeal decisionmakers will either uphold the original decision of the Residence Life Manager/Residence Area Coordinator/Community Assistant/Associate Director, Residence Life or will overturn the decision while making a recommendation for a new outcome, if any. Note that recommendations could include increasing the original outcome assigned.
- Once the official outcome is processed, the appellant will receive a letter from the Residence Behaviour and Wellness Manager outlining the official outcome. The resident and the Residence Life Manager/Residence Area Coordinator/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.

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

- If you wish to bring a witness to your appeal conference, they will be contacted by the Residence Behaviour and Wellness Manager to arrange their appearance. You may also bring a support person. 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.
- Additional information for Witnesses and Support Persons can be found at the end of this FAQ.

----- *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.
- A summary of prior violations of the RCLS, should you have any, will be presented to the RCIB by the RBWM. A resident's conduct history is considered when outcomes are issued.
- Any concerns regarding privacy should be brought to the attention of the RBWM immediately.

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 Residence Behaviour and Wellness Manager 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 may use the alternate appeal process if possible. If not possible, you may speak with the Residence Behaviour and Wellness Manager who will direct you to the appropriate person(s) and will arrange for an alternative if the conflict of interest is substantiated.

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

- Requests for an extension of time to prepare the required information for your Appeal Form or for your appeal conference can be made in consultation with the Residence Behaviour and Wellness Manager. A reasonable delay shall be granted if a resident provides good reason for the request.

----- *How will Student Housing Services Communicate with me?* -----

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

Appeal Witness & Support Person Frequently Asked Questions

----- *What is a witness, and what is their role?* -----

- The appellant selects a witness because they feel that they have knowledge related to the appeal grounds, or evidence related to the incident. The Residence Behaviour and Wellness Manager (RBWM) will contact witnesses with details about the date and time of the appeal conference.
- At the appeal conference, there is time for the witness to answer questions and to make a statement; this is the only time they are to address the board. The witness statement must relate to the event in question. The appellant's character is not in question, and the statement should not be focused on this. They should answer questions fully and truthfully; they have the right to refuse to respond to any question, and may do so if unwilling or unable to answer a question posed in a complete manner.
- Witnesses must conduct themselves respectfully at all times or they will be asked to leave the room.

----- *What is a support person, and what is their role?* -----

- The support person is someone who knows the appellant and sits with them for the duration of the conference. They provide emotional support and make the process comfortable for the appellant. The RBWM will contact the support person with details about the date and time of the appeal conference. The witness and the support person cannot be the same individual.
- The support person is not permitted to address the board at any time, nor to interject at any time.

----- *What happens at the Appeal process?* -----

- If the appeal goes to the RBWM the witness will be able to share their information over the phone or in a one-on-one meeting.
- If the appeal goes to the Residence Community Integrity Board (RCIB), the following will occur: At the appeal conference, the appellant will be asked to present their case and their rationale behind appealing the decision to the RCIB, a panel of peers.
- A series of questions will follow at which point the witness will be asked for comments. This is the only time the witness will be allowed in the room. Once the board feels that all questions have been answered, the witness will be asked to leave.
- Upon conclusion, the original decisionmaker from Student Housing Services (SHS) will present their rationale for making the original decision. SHS is also permitted to bring a witness. All involved parties will be asked to leave the room to allow for deliberation among the board members. The appellant will be notified within 48 hours what the outcome of the appeal process was, barring any complications or extenuating circumstances.
- The support person stays in with the appellant at all times, and leaves when the appellant leaves.

----- *What happens if I fail to appear at the appeal conference?* -----

- If a witness or support person fails to appear at the conference it proceeds without them. The Residence Behaviour and Wellness Manager must be contacted as soon as a possible about any conflicts support persons or witnesses may have.