



Policy Title:	Appeals for Non-Academic Discipline Policy
Policy Number:	2006

1. Policy Statement

St. Matthew's University (SMU) adheres to principles of administrative law and natural justice. This policy describes mechanisms for students to appeal a decision made about non-academic disciplinary matters that they believe is unjust or has inappropriate consequences.

The University is committed to ensuring that non-academic disciplinary matters are reviewed in a fair and impartial manner. Before any disciplinary action is taken, the student will be given notice of the alleged violation and an opportunity to respond.

2. Purpose

The purpose of this policy is to provide the framework within which students have the right to be heard in a fair and impartial manner regarding decisions about their non-academic misconduct, which impact their student record, standing and/or continuance within the University community. The decisions eligible for appeal include the imposition of sanctions, which may range from verbal warnings up to and including expulsion from the University.

3. Scope

This policy applies to students who have had sanctions imposed as a result of alleged non-academic misconduct and who are dissatisfied with the decision or sanction.

Non-academic misconduct may include any student behaviour that occurs inside or outside the classroom, online, during University-related activities, meetings, placements, or on campus, and which is not directly related to academic activities or academic performance.

All members of the University community are expected to use informal review, where appropriate, as the preferred method to resolve disputes as close to the decision point as possible. Only in circumstances where a resolution is not reached through informal review should the student initiate a formal appeal.

All notices to students about decisions that impact their student record, standing, or continuance at SMU must include notice of the right to appeal.

4. Disciplinary Procedures

Whenever there is a reasonable basis to believe that a student may have violated one or more provisions of this Handbook or any other rule, policy, or standard of the University, the matter should be reported to the Dean of Basic Sciences or Clinical Medicine, as the case may be.

The Dean, or his or her designee, will conduct an investigation. The nature and extent of the investigation will be determined in the discretion of the Dean, or designee.

The Dean, or designee, may, but need not, convene a disciplinary committee comprising any number of faculty, administrators, and/or students to assist the Dean, or designee, in resolving the matter. The composition of any such committee, and the role it plays in the process, will be determined in the discretion of the Dean, or designee.

Before any disciplinary action is taken, the student will be given notice of the alleged violation and an opportunity to respond. This includes an opportunity to identify any witness, document, or other evidence that the student believes is relevant.

The Dean, or designee, will determine in his or her discretion what evidence is relevant to consider and what weight, if any, it should be given.

The Dean, or designee, will determine whether a violation has occurred based upon a preponderance of the evidence, meaning whether it is more likely than not that a violation has occurred.

If the Dean, or designee, determines that a violation has occurred, the Dean, or designee, will determine one or more appropriate sanctions. Sanctions may include disciplinary counselling, fines, probation, suspension, dismissal, and/or any other sanction that the Dean, or designee, determines is appropriate in light of all the circumstances, including but not limited to the nature of the offence and any history of misconduct by the student.

The Dean, or designee, will inform the student of the Dean's, or designee's, determination with respect to whether a violation has occurred and, if so, the sanction or sanctions that will be imposed as a result.

5. Appeal Process

A student who is found to have committed a violation may appeal that finding and/or the sanction or sanctions imposed to the Chancellor if and to the extent that the student believes the finding and/or sanction was the result of bias or some other fundamental unfairness in the disciplinary process.

Any appeal must be submitted in writing to the Chancellor within seven days of the date upon which the student received notice of the decision that is being appealed.

The written appeal should include:

- The date of submission;
- A summary of the decision being appealed;
- The finding and/or sanction being appealed;
- The reason the student believes the finding and/or sanction was the result of bias or some other fundamental unfairness in the disciplinary process; and
- The remedy or outcome the student is seeking.

The Chancellor, or his or her designee, will determine in his or her discretion what steps, if any, are necessary to resolve the appeal.

The Chancellor, or designee, may:

- Dismiss the appeal as being untimely or as not stating a proper basis for appeal;
- Uphold the decision below on the merits;
- Vacate some or all of the decision below and remand the case to the Dean for further action;
- Vacate some or all of the decision below and make new findings as to whether the student committed the alleged violation or violations and/or the sanction or sanctions to be imposed as a result; or
- Take such other action as the Chancellor, or designee, deems appropriate under the circumstances.

Decisions of the Chancellor, or designee, are final.

6. Definitions

These definitions apply to terms as they are used in this policy.

Word/Term	Definition
Appeal	An official and written request by the appellant for a formal review of decisions and/or sanctions imposed by the University.
Non-academic behaviours	Any student behaviours that occur either inside and outside the classroom, on-line, or in any university-related activity, such as meetings, placements or on campus, and which are not directly related to academic activities or performance.
Sanction	A formal penalty or restriction imposed on the student as a result of inappropriate behaviours, the severity of which vary according to the specifics of the offence.
Preponderance of the evidence	The standard used to determine whether a violation has occurred, meaning that it is more likely than not that the violation occurred.

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Sanction	A formal penalty or restriction imposed on the student as a result of inappropriate behaviours, the severity of which varies according to the specifics of the offence.
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7. Responsibilities

The Chancellor, or designee, is responsible for reviewing appeals submitted under this policy and issuing final decisions.

The Dean of Basic Sciences or Clinical Medicine, or designee, is responsible for receiving reports of alleged violations, conducting investigations, determining whether a violation has occurred, and imposing sanctions where appropriate.

Students are responsible for familiarizing themselves with SMU policies and expectations regarding non-academic conduct and for submitting appeals within the required timeline where they wish to appeal a finding or sanction.

All members of the SMU community are responsible for identifying and reporting non-academic misconduct to the appropriate Dean or University official.