

MOHAWK COLLEGE RESIDENCE APPEAL REQUEST FORM

This form is to be completed by Resident's who have already completed the decision review stage of the appeal process, and who still feels like the decision was unfair, and who wishes to appeal that decision formally.

Name: _____	Today's Date: _____
Room # _____	Date on the Decision Letter: _____
e-mail: _____	Phone Number: _____

Important Policy and Procedure Notes

1. Please read the Residence Community Living Standards for complete information about offenses, sanctions, and judicial processes. Summary information about the appeal process and related timelines is provided on the back of this form. You can also find the Residence Community Living Standards and complete information regarding offenses, sanctions, and judicial processes online at www.mohawkrez.ca
2. This form must be submitted to the decision-maker or the General Manager within **72 hours** of receiving the original decision letter.
3. Resident's requesting an appeal must clearly demonstrate that they have grounds for an appeal, which includes providing evidence supporting one of the following items:
 - i. **Bias:** Reasonable apprehension of bias of the decision-maker who imposed the Sanction(s).
 - ii. **Procedural Fairness:** Failure by the decision-maker to comply with the Principles of Natural Justice and Procedural Fairness, which may have affected the decision.
 - iii. **New information:** New evidence which could not have been available to the decision-maker when making the decision.

Details of the Appeal Request

All appeals (except evictions) must go through the informal appeal process prior to submitting a formal appeal.

What Level of Offense are you appealing: 1) 2) 3) Eviction

Who was the Decision-Maker and Informal Appeal Route: _____

Which grounds are you citing in your appeal: A-Bias B-Procedural C-New Information

Please attach to this form a typed explanation of your appeal, including why the informal appeal process did not have a satisfactory outcome, and the evidence supporting the grounds for your appeal. Your argument needs to clearly illustrate your grounds for an appeal. You should provide all information necessary for the individual/committee to evaluate your appeal. If you have witnesses that can provide evidence, please include their names, room numbers, and contact information. You will receive a written response to your appeal request within 72 hours.

By signing below, I agree to the following:

- 1) I have read and understand the Residence Community Living Standards, the Appeals Process, and the requirements of my appeal letter described above,
- 2) I understand I may speak with services at the College for assistance with my appeal letter,
- 3) I have attached my written explanation for my appeal.

Resident Signature: _____

MOHAWK COLLEGE RESIDENCE APPEAL PROCEDURES

The following general principles apply to all appeals:

- (a) The Principles of Natural Justice and Procedural Fairness must prevail in Appeal Procedures to ensure compliance with the principle that justice must not only be done, but be seen to be done.
- (b) Any resident found in violation of the RLCS is entitled to submit an appeal.
- (c) A resident has **72 hours** from the date they receive their Decision Letter to start the appeal process. Staff will endeavour to respond to appeal requests within 72 hours of receiving them.
- (d) Depending on the original decision rendered the appeal process proceeds via one of two processes: the Regular Appeal Process or the Eviction Appeal Process, which are detailed below.

The Regular Appeal Process

- (a) The Regular Appeal Process will be in place for all decisions excluding Eviction.
- (b) The first stage is the informal appeal, where the resident contacts the Decision-maker in writing within **72 hours** to appeal the decision. The resident may present new information and/or alternate sanctions for the Decision-maker to consider.
- (c) Once an appeal request is received, the resident(s) will be contacted within **72 hours** to set-up their informal appeal meeting.
- (d) The Decision-maker may alter the decision and/or sanctions. If the resident determines that the outcomes of the informal appeal are not satisfactory and they have grounds for a formal appeal they may complete an Appeal Request Form and submit it to the Residence Office, within **72 hours** of receiving the informal appeal decision. The resident requesting a formal appeal must demonstrate that they have grounds for a formal appeal, which includes providing evidence of one of the following items:
 - i. **Bias:** Alleged and reasonable apprehension of bias of the Decision-maker who imposed the sanction(s).
 - ii. **Procedural Fairness:** Alleged substantive failure by the Decision-maker to comply with the Principles of Natural Justice and Procedural Fairness, which may have affected the decision.
 - iii. **New information:** Substantive new evidence which could not have been available to the Decision-maker when making the decision.
- (e) Once the Appeal Request Form is received, the resident(s) will be contacted in writing within **72 hours** to notify them if their request for a formal appeal will be granted. If the formal appeal is granted, the GM (or designate) will set-up an Appeal Meeting with the resident(s).
- (f) The individual or committee considering the formal appeal may, after reviewing the case:
 - i. uphold the findings and/or sanctions;
 - ii. reverse the findings;
 - iii. reverse or modify the sanctions;
 - iv. determine that there was a procedural error and ask the original Decision-maker to re-hear the case.
- (g) During a formal appeal, all sanctions (minus financial sanctions) remain valid until they are reversed or modified by the individual or committee hearing the appeal.
- (h) All decisions made in a formal appeal are final and are not subject to further appeals.

The Eviction Appeal Process

- (a) In the event of an eviction, there is no informal appeal. If the resident has grounds for an appeal, the resident may complete the Appeal Request Form and submit it to the Residence General Manager, within **72 hours** of receiving the eviction. The resident requesting the appeal must demonstrate that they have grounds, which includes providing evidence of one of the following items:
 - i. **Bias:** Alleged and reasonable apprehension of bias of the Decision-maker who imposed the sanction(s).
 - ii. **Procedural Fairness:** Alleged substantive failure by the Decision-maker to comply with the Principles of Natural Justice and Procedural Fairness, which may have affected the decision.
 - iii. **New information:** Substantive new evidence which could not have been available to the Decision-maker when making the decision.
- (b) Once an eviction Appeal Request Form is received, Director of Business Development and Retail (or designate) will review the grounds for the appeal and make a decision to either deny the appeal or set-up an Eviction Appeal Hearing. The resident(s) will be contacted within **72 hours** to notify them of this outcome.
- (c) If the appeal is granted, the Residence General Manager will set-up the Eviction Appeal Committee, which will be comprised the following Mohawk College Residence Operating

Committee (ROC) members or their designate: ROC Chair (non-voting), Dean of Students ^{LL} Mohawk College, MSA President and CLC Director of Operations. One of the members of the Eviction Appeal Committee must be a student. Residents appealing an eviction will be provided with additional information about Appeal Hearing procedures.

- (d) The Eviction Appeal Committee will communicate a decision in writing to the resident. The committee will review all evidence and may decide to:
 - i. uphold the findings and/or sanctions;
 - ii. reverse the findings;
 - iii. reverse or modify the sanctions;
 - iv. determine that there was a procedural error and ask the original Decision-maker to re-hear the case.
- (e) During a formal appeal, all sanctions (minus financial sanctions) remain valid until they are reversed or modified by the individual or committee hearing the appeal.
- (f) All decisions made in an Eviction Appeal Hearing are final and are not subject to further appeals.