

9.9 Appeals Against Disciplinary Decisions

1. A student may appeal the findings or the penalty to be imposed by the Minor Disciplinary Panel or the Disciplinary Committee. The appeal must be made in writing to the Dean of Student Affairs within three business days of receiving written notification of the penalty to be imposed.
2. The student may appeal on only one or more of the following grounds for justification of appeal listed below. Furthermore, the specific grounds for the appeal must be specified in the *Letter of Appeal*:
 1. Failure of due process. *Student Disciplinary Regulations and Procedures* are to be reviewed before a decision is issued during the initial hearing. The Disciplinary Appeals Board shall determine if a failure of due process or any other irregularity has occurred.
 2. Discovery. New evidence obtained after a decision has been rendered may support grounds for an appeal if it is determined that it was either unavailable during the initial hearing; or that it has rendered the verdict and ensuing penalty in need of a review.
 3. Questionable penalty. A penalty may be appealed if it is deemed excessive, inappropriate, or cannot be imposed under the provisions of current University rules and regulations.
3. Following the submission of a formal appeal, the Dean of Student Affairs, or a designated representative, will undertake the preliminary review of the appeal. If the preliminary review affirms that the appeal has no merit based on the accepted grounds for appeal stipulated in 9.2, the student shall be informed of this decision in writing and the University will issue a *Completion of Procedures* letter advising that the disciplinary process has been completed. If the preliminary review determines that the grounds for appeal are valid, the appeal will then be forwarded to the Disciplinary Appeals Board for a hearing.
4. The Disciplinary Appeals Board shall consist of three members approved by the Provost/President. No one will be permitted to sit on the Disciplinary Appeals Board if they are directly associated with the student's studies or the initial disciplinary verdict that is being appealed.
5. The hearing shall be limited in scope to the grounds for the review as stated in the student's *Letter of Appeal*; it should not be a rehearing of the original allegations. The Disciplinary Appeals Board shall be provided with the original report of the Minor Disciplinary Panel or Disciplinary Committee but shall not interview again the appellant nor any witnesses.
6. If the Disciplinary Appeals Board determines that there is sufficient evidence to prove that an excessive penalty has been imposed, the student may be invited to a subsequent hearing.
7. The Disciplinary Appeals Board shall determine if both the appeal and all appropriate subsequent proceedings are of merit.
8. With regards to the appeal, the Disciplinary Appeals Board may take the following action:
 - Reject the appeal, in which case the original penalty will stand.
 - Issue a different penalty, in which case a penalty deemed more appropriate will be selected from the list of permitted penalties under Section 8. The approved penalty may be either less or more severe than the original penalty.
9. The Disciplinary Appeals Board will notify the student of its decision within five business days. The decision of the Disciplinary Appeals Board shall be final and no further appeal will be permitted within the University. The University will issue a *Completion of Procedures* letter advising that the disciplinary process has been completed.
10. It is possible for the student to appeal to the university's council to reconsider the disciplinary committee decision of expelling him/her from the university after two years of announcing that decision and the council may reconsider it.