

1. Preamble

The purpose of these Procedures is to provide information about the role and rules of procedure for the Non-Academic Misconduct Appeal Panel (NAM Appeal Panel) to those involved in an appeal of a Non-Academic Misconduct (NAM) decision.

The NAM Appeal Panel is intended to have a relatively narrow jurisdiction for dealing with

limited to the following:

- i. Breach of Procedural Fairness includes:
 1. The decision-maker was biased or had a conflict of interest that prejudiced the student;
 2. The decision-maker misapplied and/or failed to follow applicable rules, regulations, or university policy in a way that prejudiced the student's right to a fair process;
 3. The decision was unreasonable. A "reasonable" decision is one that is rational, in that its findings (i.e. determination of responsibility) are based on evidence before the decision-maker, it is thought-out and supported by the facts and logical inferences from those findings of fact. To be reasonable, the decision must contain adequate reasons for the conclusions. A decision should be upheld if it falls within a range of possible and acceptable outcomes, in which case the Appeal Panel is not permitted to substitute its opinion for that of the decision-maker whose decision is under appeal.
- ii. The decision-maker whose decision is being appealed acted without authority or exceeded their jurisdiction.

5. NAM Appeal Panel

- a. NAMIO will compile a roster of individuals to serve on the NAM Appeal Panel. The process will include advertising the role through various mediums at the university.
- b. **Eligibility:** Appointment to a roster for the NAM Appeal Panel is at the university's discretion but students appointed must minimally be in good standing within the NAM system and in good academic standing (a GPA over 65%).
- c. The university can remove individuals from the roster for any cause that would bring the cre3 (m)-1.5 (f)3.7 (o)-.001 Tc 0.001 Tw 0.191 0 Td (GPA)TjPB A

- f. **Training:** Training will be provided at least annually to members of the NAM Appeal Roster and will be coordinated by the NAMIO and the Office of the Assistant Dean, Support Services & Community Engagement.
- g. **Roster:** The roster for NAM Appeal Panels will be maintained by NAMIO who will ensure compliance with any requirements related to eligibility, training, and good standing.
- h. NAM Appeal Panel members must not engage in any unilateral communications with a party to an appeal. All communication to the Panel by a party must be directed to the Chair and must at the same time be copied to the other party. The Chair, will respond in writing to both parties.
- i. The Chair of the NAM Appeal Panel may make procedural decisions concerning the conduct of the appeal. The Chair, on behalf of the NAM Appeal Panel, has the discretion to modify these procedures in the interest of procedural fairness and is the final decision-maker on any related process or procedural requests. The Chair may also make procedural rulings on matters that arise but are not covered by these Procedures. The Chair may consult with University legal counsel as appropriate.

6. Conflict of Interest

- a. Upon receipt of the appeal materials a NAM Appeal Panel member Pad [(re [(Upo4 (n)-4.5 2.4 197

affected, the decision -maker may determine that sanction(s) will be effective immediately, meaning prior to the appeal deadline expiring or an appeal being heard. (this is referred to as an “Immediate Sanction”).

Pending a decision on the appeal of an Immediate Sanction(s), the Immediate Sanction(s) will apply, unless otherwise determined by the Chair of the Appeal Panel.

- e. **Expedited Appeal:** If an Immediate Sanction is imposed, a request for an Expedited Appeal proceeding can be submitted to NAMIO at centralnam.office@queensu.ca . The written request must reach NAMIO by **4:30pm on the third (3rd) business day after the decision being appealed was issued.**

For example: if a decision was issued on Monday, a request for an Expedited Appeal must be received by NAMIO no later than 4:30pm Thursday. En3AAp5.552.1 (u)-1.5 (0h)0

those grounds outlined in Section 4 of these Procedures.

- h. **New Information:** If a student's appeal contains new information about something they claim may have affected the NAM decision, through no fault, delay or omission of the student, was not known or was not available to the student at the time the prior decision was made, NAM IO reserves the right to stay an appeal and forward any new information to the prior decision maker for reconsideration. NAMIO will receive a written decision on the reconsideration before further processing the appeal.
- i. NAMIO may stay the processing of appeal if the submission is incomplete or untimely.
- j. If the Notice of the Appeal is incomplete, NAMIO will notify the Appellant and shall include the reasons for staying the processing of appeal and, if appropriate, the requirements for continuing with the appeal process by a stated deadline.
- k. Once an appeal has been accepted by NAMIO, an Appeal Panel will be established and a Chair will be selected by NAMIO from amongst members of the Roster.
- l. NAMIO will provide a copy of b71

- a. **Interim Measures:** Interim measures will continue during the appeal period unless the decision indicates otherwise. The Respondent may request that the Chair impose additional interim measures pending an appeal should circumstances warrant such recommendation.
- b. **Effective Date of Sanctions:** Except in the case where an Immediate Sanction has been imposed, sanctions will not normally be put into effect until the student has exhausted their appeal option(s), or the appeal deadline has expired without an appeal being filed. NAMIO will advise the decision-maker when the time for filing an appeal has expired.

9. NAM Appeal Proceeding

- a. **Purpose:** The purpose of the Appeal Proceeding is to enable the NAM Appeal Panel to understand the grounds for the appeal, to seek clarification from the parties, and to decide whether to uphold the decision and any outcomes or sanctions.
- b. **Format & Structure**

3. The Respondent will give a statement to set out their position based on the grounds for the appeal, including their position on any finding or sanctions in the original decision.
4. The NAM Appeal Panel may pose questions to the Respondent and the Appellant.
5. Closing remarks from the Chair.

11. Informal Resolution of a NAM Appeal

- a. At any stage after an appeal has been submitted, the parties may engage in discussions (outside of the formal appeal proceeding) for the purpose of resolving the appeal.
- b. An appeal may only be informally resolved with the agreement of all parties.
- c. At no point shall informal resolution discussions unreasonably delay an appeal proceeding.
- d. The Chair will have final discretion on when a formal appeal proceeding will commence if informal discussions have not resulted in an agreed to resolution.
- e. If the parties come to an informal resolution the Chair shall dismiss the appeal and issue a written decision referencing that fact that the parties reached a resolution.

12. Decisions of NAM Appeal Panel

- a. The NAM Appeal Panel is the final internal

13. No Reimbursement

- a. There shall be no fee for filing a NAM Appeal.
- b. Neither the NAM Appeal Panel nor any other NAM decision-maker in the University has the power to direct that a student receive compensation for any costs or expenses incurred in the course of any NAM based proceeding.
- c. The NAM Appeal Panel may order restitution only for lost or damaged university property as a result of any NAM matter (e.g. theft of university property, damage to university property). The NAM Appeal Panel may not order restitution for loss or damage suffered by any other person or entity.
- d. Notwithstanding 13 (b), the NAM Appeal Board may order that a student receive reimbursement for loss of a Queen's University bursary, scholarship, or similar funds because of a decision that was reversed on appeal. This remedy is available only if the student remains a student following the issuance of the NAM Appeal Panel's decision, or if the student graduated while their appeal was pending.

14. Related Policies, Procedures, and Resources

- a. [Student Code of Conduct](#)
 - i. [Procedures Under the Queen's University Student Code of Conduct](#)
- b. [Consolidated Residence Contract and Community Standards](#)
- c. [Athletics & Recreation Non-Academic Misconduct Policy](#)
 - i. [Athletics & Recreation Appeal Policy and Procedure](#)
- d. [Policy on Sexual Violence Involving Queen's University Students](#)
- e. [Harassment and Discrimination Prevention and Response Policy](#)
- f. [AMS Non-Academic Misconduct Policy and Procedures](#)
- g. [NAMIO website](#)
- h. [Student Conduct Office website](#)
- i. [Office of the University Ombudsperson website](#)
- j. [Queen's Legal Aid website](#)
- k. [Student Wellness Services](#)

Appendix A:

Section 4: Grounds for Appeal

