**AI Form 3**



**Bylaw 31: Academic Integrity**

**FORM FOR STUDENT**

**Appeal of Decision of Adjudicator**

*[to be submitted within 10 working days of the decision having been issued. Bylaw 31, 5.4.1]*

Name of student: Click here to enter text.

Student ID number: Click here to enter text.

Course & Section #: Click here to enter text.

Decision of Adjudicator – Finding: Click here to enter text.

Decision of Adjudicator – Sanction: Click here to enter text.

**1. Select one (1):**

I have not committed the act of academic misconduct noted above and I am therefore appealing both the finding of academic misconduct and the sanction imposed.

**or**

I admit that I have committed the academic misconduct noted above. However, I am appealing the sanction imposed on the basis that the sanction is excessive in that extenuating circumstances were not taken into account and/or the sanction is not consistent with the Sanctioning Guidelines.

**2. Acknowledgement and Signature**

|  |
| --- |
| In signing this form, I understand that staff in the University Secretariat will be contacting me to schedule a hearing on the merits before the Discipline Appeal Committee (see bylaw 31, 6.10 for order of hearing procedures) to be held normally within 60 calendar days of the receipt of this form by that office. I understand that I have the right to have an advisor or legal counsel assist me throughout this appeal. I understand that an advisor could be a family member or friend and that legal counsel would be a lawyer hired through a law firm or a lawyer obtained, at no cost, through Community Legal Aid (CLA) (519-253-7150; [cla@uwindsor.ca](applewebdata://F8D9FDC7-96A2-49CF-9EA7-F8526CFB853E/%22javascript:_e()). It is my responsibility to inform the Secretariat if I am being assisted by an advisor or have retained legal counsel. If I choose to be assisted by an advisor/lawyer, I understand that information regarding my case file will be forwarded to my advisor/lawyer. |

Student’s Name (typed or signed) – Please ensure it is legible:

*[All communications (including signatures, notices, memos, invitations, decisions, etc.)* ***may be electronic, sent via the user’s UWindsor email****. (Bylaw 31, 1.3)]*

Date: Click here to enter a date.

**3. Complete This Section If You Are Being Assisted by an Advisor or Lawyer**

Name of Advisor or Legal Counsel (typed or signed) – Please ensure it is legible:

If assisted by an Advisor, Relationship of Advisor to the Student: Click here to enter text.

Name of Law Firm/Organization: Click here to enter text.

Email of Law Firm/Organization: Click here to enter text.

Address of Law Firm/Organization: Click here to enter text.

Telephone number of Law Firm/Organization: Click here to enter text.

***If you do not have an advisor or lawyer at this time, please submit the form without this section completed. If or when you have retained an advisory/lawyer, inform the University Secretariat immediately.***

***\*\*This Form is to be submitted to the University Secretariat:*** [***reneew@uwindsor.ca***](mailto:reneew@uwindsor.ca)***, Room 213, Assumption Hall.*\*\***

**APPENDIX**

**Bylaw 31 – Academic Integrity - Excerpt**

**Appeal Provisions**

5.4 Step 4 – Appeal

5.4.1 Students have an automatic right of appeal to the Discipline Appeal Committee (see section 6). A student wishing to exercise his/her right to appeal a finding of misconduct and/or sanction imposed by an adjudicator shall initiate the appeal process within 10 working days of the decision having been issued by the adjudicator. The decision shall be deemed to have been received by the student three working days after it has been sent by the adjudicator.

An appeal to the Discipline Appeal Committee shall operate as a stay on the decision of an adjudicator.

**6 Discipline Appeal Committee (Step 4)**

6.1 The Discipline Appeal Committee has final and binding jurisdiction over matters brought before it under this bylaw. Any reconsideration by the Discipline Appeal Committee of its decision must be on the basis of cogent and persuasive evidence of a miscarriage of justice or where new evidence has come to light. The Chair of the Discipline Appeal Committee may grant leave to review a prior Discipline Appeal Committee decision, where there is credible evidence provided by either party for doing so. The Chair’s decision on whether to grant the reconsideration shall be final.

6.2 The Discipline Appeal Committee shall be composed of two faculty members and a student.

The two faculty members (one of whom shall be appointed as chair) shall be appointed by the Senate Governance Committee for two-year terms. Two faculty member alternates shall also be appointed by the Senate Governance Committee for two-year terms, as possible replacements where an appointed faculty member is unable to serve. Faculty members, including ancillary academic staff as learning specialists holding a regular appointment and professors/associate professors emeriti are eligible to serve on the Discipline Appeal Committee.

The University of Windsor Students' Alliance, the Graduate Students Society, and the Organization of Part Time University Students shall each provide the name of one student to the Senate Governance Committee for consideration and appointment to the Discipline Appeal Committee for one-year terms. The student serving on the Discipline Appeal Committee for a given case shall be selected from this pool and should normally represent the constituency of the student against whom the allegation is made, subject to availability.

The President of the University may appoint a replacement for a member of the Discipline Appeal Committee, of pool of faculty member alternates, or the pool of students where the individual is unable to serve, or in other extenuating circumstances, bearing in mind the constituency represented by that member.

6.3 Where a member of a Discipline Appeal Committee is unable to serve on a particular case file, s/he may be replaced at any time prior to the presentation of evidence. Except with the consent of the parties or in extenuating circumstances, no replacements to Discipline Appeal Committee members shall be made once the hearing at which the evidence is presented and heard has begun.

6.4 A quorum of the Discipline Appeal Committee shall be its full membership participating in person, with the exception of the entering of the plea and the setting of additional dates (if these occur separately) where a quorum of the Committee shall be its full membership attending by any means that allows all members and parties to participate.

6.5 The Chair of the Discipline Appeal Committee shall be entitled to participate in all proceedings of the Discipline Appeal Committee and shall have the same voting rights as all other voting members of the Committee.

6.6 All decisions of the Discipline Appeal Committee shall be made by majority vote, with the exception that a unanimous vote is required to uphold the original decision of the adjudicator to suspend, expel or exclude a student from campus, or to issue its own decision to suspend, expel or exclude a student from campus.

6.7 When hearing an appeal, the Discipline Appeal Committee may consider alternate sanctions than those originally imposed. When determining the sanction to be imposed, the Discipline Appeal Committee may consider whether the act of misconduct constitutes a first or subsequent offence. (see 4.1)

6.8 Appeal Timelines

6.8.1 Hearings of the Discipline Appeal Committee should, wherever possible, commence within sixty calendar days of the receipt of the student’s appeal filing.

6.8.2 The parties shall be given at least ten calendar days’ notice of the hearing unless this right is waived. The notice shall be deemed to have been received by the parties three working days after it has been sent.

6.8.3 Within fourteen calendar days of the hearing, the Chair of the Discipline Appeal Committee shall inform the parties to the hearing in writing, with a copy to the University Secretariat, of the finding(s) of the Discipline Appeal Committee’s and the sanction(s), if any, to be imposed.

6.8.4 The Discipline Appeal Committee shall have the power to waive or extend deadlines when the interests of justice warrant or where no substantial prejudice would result.

6.9 Appeal Procedures

6.9.1 The parties shall have the right to have an advisor or legal counsel present at a hearing.

6.9.2 The parties shall have the right to present evidence in support of their cases. They shall have the right to full disclosure of any evidence upon which the parties will rely, including lists of witnesses. The parties shall normally exchange such evidence a minimum of seven calendar days prior to the hearing. Parties shall be permitted to exchange new evidence that comes to light in the period between this deadline date and the last working day before the hearing, and may present, at the hearing, a revised list of witnesses and/or additional documentary evidence with the permission of the Chair of the Discipline Appeal Committee and where the interests of justice warrant it. The parties shall come to the hearing with five copies of the evidence upon which they will rely for the Discipline Appeal Committee, the other party, and the official appeal file in the University Secretariat.

6.9.3 The Discipline Appeal Committee shall have control over its own procedures or stay its process, as needed, as long as they are in compliance with the procedures in this bylaw.

6.9.4 The Discipline Appeal Committee may grant a recess or adjournment, if requested, to provide the parties the opportunity to review additional documentary evidence submitted at the hearing. The Discipline Appeal Committee may also grant a recess or adjournment at any time to ensure a fair hearing.

6.9.5 Any party to the proceedings before the Discipline Appeal Committee may call witnesses and cross-examine witnesses called by another party. Parties are responsible for producing their own witnesses and paying for any costs associated with their appearance. The Chair of the Discipline Appeal Committee may limit the number of witnesses or amount of examination or cross-examination where further examination or cross-examination shall be repetitive or irrelevant.

6.9.6 The Discipline Appeal Committee may address questions, through the chair, to any witness in the pursuit of clarification or fairness, and may call its own witnesses.

6.9.7 The parties shall have the right to call witnesses. Witnesses, other than the student and the adjudicator and their advisors or legal counsel (if any), shall not be permitted to attend the hearing, until after they have testified and responded to questions.

6.9.8 The Discipline Appeal Committee may request the submission of additional information of the parties.

6.9.9 The Discipline Appeal Committee shall admit evidence and testimony provided only through the procedures outlined in this bylaw.

6.9.10 The Discipline Appeal Committee is not bound by the laws of evidence applicable to judicial proceedings but shall be guided by the principles of fairness and justice.

6.9.11 Where there are two or more proceedings involving the same matter, or similar questions of fact or policy, being adjudicated at the same time, the Discipline Appeal Committee may combine all or part of the proceedings, run the proceedings concurrently, or run the proceedings consecutively.

6.9.12 If a party, who has been notified of the hearing date, is absent without contacting, through the University Secretariat, the Chair of the Discipline Appeal Committee with a satisfactory explanation, the hearing may proceed in his/her absence.

6.9.13 In all cases, the burden of proof shall lie with the adjudicator. The finding of the Discipline Appeal Committee shall be based on the review of the evidence (oral or written) and arguments presented. The decision shall be based on whether the Discipline Appeal Committee finds that the elements of the allegations have been sufficiently proven and that it is more likely than not that the student has committed an act of misconduct.

6.9.14 No disciplinary penalties shall be imposed based solely upon the failure of the student charged with misconduct to answer the allegations within the complaint, or appear at the hearing, or testify. In any such case, the evidence in support of the complaint shall be presented and considered.

6.9.15 Any procedural requirement in this bylaw may be waived by the written consent of both parties, and the Chair of the Discipline Appeal Committee. The Chair of the Discipline Appeal Committee shall provide a copy of the agreement to the University Secretariat with the submission of the Committee’s final decision on the appeal.

6.9.16 All hearings shall be audio-recorded and recordings shall be kept, in confidence, in the University Secretariat. A copy of the recording may be made available to the party(ies) solely upon official proof of the intent to file for a judicial review of the proceedings. Audio-recordings released to the parties may not be copied or distributed. Audio-recordings shall be destroyed upon the expiration of the sanction, provided that the file has been kept for a minimum of one year beyond its last use. Costs involved in the copying of recordings and any transcription shall be borne by the party requesting a copy(ies) or transcription of the recording. Costs involved in the copying of additional copies of materials already provided shall also be borne by the party requesting an additional copy(ies).

6.10 Order of Hearing Procedures

The student, the adjudicator, and/or their advisor or legal counsel shall have standing to make representations before the Discipline Appeal Committee.

Proceedings before the Discipline Appeal Committee shall adhere to the following order:

1) opening statements from the adjudicator and/or his/her advisor or legal counsel

2) opening statements from the student and/or his/her advisor or legal counsel

3) evidence from the adjudicator and/or his/her advisor or legal counsel

4) cross-examination of witnesses by student and/or his/her advisor or legal counsel

5) evidence from the student and/or his/her advisor or legal counsel

6) cross-examination of witnesses by adjudicator and/or his/her advisor or legal counsel

7) closing statements from the adjudicator and/or his/her advisor or legal counsel

8) closing statements from the student and/or his/her advisor or legal counsel

6.11 Closed/Open Hearings

6.11.1 The hearings of the Discipline Appeal Committee shall be open to the public except where;

a) the student requests that the proceeding not be public, or

b) the Discipline Appeal Committee rules, on its own motion or on request, by majority vote, that avoiding public disclosure of all or part of the proceeding is in the interests of any person that may be adversely affected,

in which case the Discipline Appeal Committee shall hold all or part of the proceedings *in camera*.

6.11.2 If the Discipline Appeal Committee hearing is open to the public, members of the public who are present may not record, participate in, or in any way disrupt, the proceedings.

6.11.3 If the Discipline Appeal Committee hearing is closed to the public, at the discretion of the Chair, others may be permitted to attend the proceedings for training purposes, or other reasonable considerations. The obligation to maintain the confidentiality of the proceedings will be extended to them.