

Decision of USAB - In deciding an appeal, USAB has two options, they may either:

- 1 send the matter for reconsideration by the decision-maker whose decision has been appealed to USAB, with directions or recommendations
- 2 modify the original decision, including making any decision that the original decision-maker could have made, but only where sending the matter back in would cause delay that prejudices the student's rights or if USAB has made a finding of bias in the decision-making process.

New Evidence

If a student's appeal contains new evidence about something they claim affected their academic performance that, through no fault or omission of the student, was not known or was not available to the student at the time the prior

The delay of sending the matter back to the prior decision-maker would be unduly prejudicial to the student; or,

2. The student's new evidence clearly demonstrates bias in the prior proceeding that otherwise cannot be remedied.

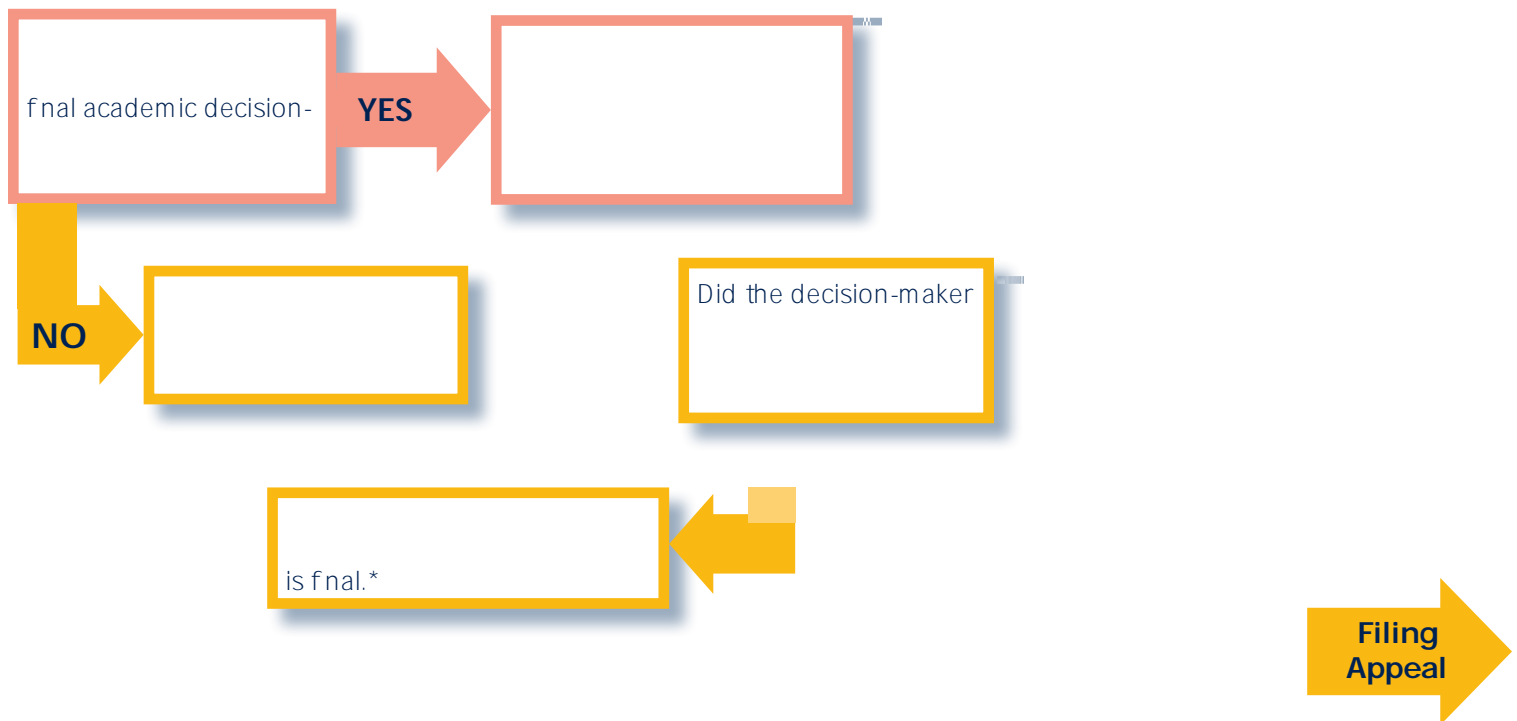
GROUNDS FOR APPEAL TO USAB

Assuming the decision **falls within the jurisdiction** of the policy, the grounds for an appeal to USAB are also **limited** to cases in which a student is able to establish:

1. A breach of **procedural fairness**, which could include such things as failing to:
 - Permit a student to be heard by an unbiased decision-maker.
 - Follow applicable rules, regulations, or university policy in a way that adversely affected a student's right to a fair process.
 - Make a reasonable decision. A "reasonable" decision is one that is rational in that its findings are based on evidence, thought out and supported by facts and logical inferences from 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, acceptable outcomes, in which case USAB is not permitted to substitute its opinion for that of the decision-maker whose decision is under appeal.
2. The decision-maker whose decision is being appealed to USAB acted without, or exceeded its, jurisdiction.

DECIDING TO APPEAL

Ensure you have read the above mentioned **SAAP** policy and understand the **limited jurisdiction and grounds** that your appeal must meet for USAB to hear it.



SCHEDULE "B" - THE APPEAL LETTER

1 Grounds for Appeal

This section should provide a clear and concise explanation that summarizes **what** the reason(s) for appeal are and also clearly identifies the ground(s) for your appeal.

Your appeal letter should begin by saying what you're appealing and provide a brief summary as to what the ground(s) are. Note that you will go into more detail when speaking about the underlying facts you have to support the ground(s).

For example, if you decide to appeal because you feel there was a breach of procedural fairness, you would say

and then briefly explain what was the breach of procedural fairness. (Ensure you review page 2 of this document to understand what a breach of procedural fairness could include.)

2 Underlying Facts

This section would detail the facts that support the ground(s) of appeal that have been identified. This can be thought of as the **"how"** of the appeal letter.

For example, if a breach of procedural fairness occurred due to a biased decision-maker, you would include the facts that support **how** the decision-maker was biased in making the decision.

3 Remedy Sought

This section would detail the remedy you are seeking for the appeal and can also be considered as the desired outcome. The desired outcome could involve the decision on the merits and/or the sanction(s) imposed. SAAP limits what USAB can do when deciding the appeal so this should be taken into consideration when considering the outcome being sought.

USAB may send the matter back to the original decision-maker for reconsideration (with directions or recommendations) or may modify the orLS

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