
Student Appeals to the College Board Policy

Purpose

To establish procedure for a student appeal to the Board

Policy

VCC, in accordance with the College & Institute Act, allows for appeal to the Board by a student who has been suspended or expelled.* (*see page 4*)

The only grounds for student appeal to the Board are:

- a) A flaw in due process or procedures in the determination to suspend or expel the student.
- b) New evidence, not available at the time of the President's decision to suspend or expel the student, that may have affected the decision.

The decision to suspend or expel a student will not be changed until the final outcome of the Board Hearing Process is known.

Applies to

- VCC students who have been suspended or expelled.
- VCC Board members.

Procedures

- *All days referred to in this document are working days.*
- *Timelines specified are the maximum number of days allowed for each stage of the process. However, the College recognizes that a timely decision is desirable and encourages all parties to proceed without delay.*
- *In exceptional circumstances, the Chair may agree to change the timelines, with the consent of both parties.*
- *In exceptional circumstances, at the request of one or both parties, the Committee may decide to have a closed hearing.*

- 1) A student wishing to appeal the President's decision on expulsion or suspension may request a copy of the "Student Appeals to the College Board Policy" from the Executive Assistant to the Board. If necessary, translation services will be provided and paid for by the College, to ensure that the student understands the grounds for appeal and process. *When considering an appeal, students may also seek help from Counselling, staff members, faculty, administrators or student association.*

- 2) A student who decides to appeal will ask the Executive Assistant to the Board for a "Request for Appeal Hearing" form (see Appendix A) which must be submitted, together with all supporting documentation, to the Executive Assistant **within 20 days** of receipt of the President's decision letter. The student must complete the form, specifying:
 - reasons for the appeal
 - witnesses to be called, with a summary of the evidence to be presented
 - spokesperson, if other than the student
 - whether legal counsel will be representing the student
 - the remedy sought

Failure to file within 20 days will result in automatic termination of the process.

- 3) Upon receipt of the request for appeal, the Executive Assistant to the Board will forward a copy of the request and all supporting documentation to the respondent to provide a written response.

- 4) The respondent will provide a written submission to the Executive Assistant to the Board, together with any further supporting documentation, **within 15 days** of receiving a copy of the student's request.

This submission will contain the following information:

- response to detailed reasons for student appeal

- witnesses to be called, with summary of evidence to be presented
 - spokesperson, if other than the respondent
 - whether legal counsel will be representing the respondent
- 5) Upon receipt, the Executive Assistant to the Board will send copies of both submissions (from the student and respondent) to the Board Hearing Committee (see Appendix B.)
 - 6) The Board Hearing Committee, **within 10 days** of receipt of the submissions, will decide whether the stated grounds justify a Hearing. If the Committee decides on a Hearing, they will set a Hearing date to take place **within 10 days.**
 - 7) The Executive Assistant will notify the student and respondent of the Board Hearing Committee's decision and reasons for the decision.
 - 8) At any time, the student may terminate the appeal process by providing written notice. **The student may not then resubmit the appeal to the Board.**
 - 9) The Board Hearing will be conducted according to the Rules set out in Appendix B.
 - 10) If the student fails to show at the Hearing, and fails to provide reasonable evidence of an emergency, the Hearing is abandoned.
 - 11) **Within five days** of completion of the Board Hearing, the Board Hearing Committee will deliberate. The Committee Chair will forward the decision, with reasons for the decision, to the Executive Assistant to the Board.
 - 12) The Executive Assistant to the Board will communicate the decision of the Hearing Committee with reasons for the decision, in writing, to :
 - the student initiating the appeal (hand

delivered, by courier or registered mail, unless otherwise advised by the student)

- the respondent
- the Board Hearing Committee members
- the Registrar
- the Dean of Student Services
- the Department Head of the Program
- the Vice President, Educational Support Services
- the President

- 13) The decision of the Committee will be that the appeal is “founded” or “unfounded.”

If the decision of the Committee is that the appeal is “founded,” a new Discipline Committee will be struck *within 7 days* to hear the matter. *In this case, the President will decide whether the decision to suspend or expel a student remains in effect pending the decision of the new Discipline Committee.*

- 14) The Executive Assistant to the Board will retain a copy of all documents submitted as records but will return all original documents to the owner.

- * *For student appeals on issues other than expulsion or suspension, avenues of appeal open to the student are, but are not necessarily restricted to:*

REGISTRAR

for admission and grade appeals

HUMAN RIGHTS COORDINATOR

for Human Rights or Harassment complaints

DEAN, STUDENT SERVICES

for perceived unfair treatment or violation of rights

Reference:

Student Grievance Procedures Policy D.4.2.

Standards of Student Conduct Policy D.4.3.

VCC Admissions Appeal Policy 2.1.2.6

*Appropriate College personnel may be the Chair of Grievance, Student Discipline or Admissions Appeal Committee, President, the Department Head of the department in which the student is registered or any other person(s) involved in the decision against which the appeal is

made.

1. Policy Sponsor: VCC College Board

2. Approvals:

President: _____ Date: _____

Education Council Chair: _____ Date: _____

Operations Council Chair: _____ Date: _____

Board Chair: _____ Date: _____

3. Amendments:

President: _____ Date: _____

Education Council Chair: _____ Date: _____

Operations Council Chair: _____ Date: _____

Board Chair: _____ Date: _____

4. Review Date:

VANCOUVER
COMMUNITY
COLLEGE



VANCOUVER COMMUNITY COLLEGE

REQUEST FOR AN APPEAL HEARING

BEFORE THE VCC BOARD

For assistance in completing this form, consult the Executive Assistant to the President and Board, the Counselling Department, or the student association.

Please print:

Name _____
(First) (Last)

Current Address: _____

Can a courier deliver to this address at any time? Yes No
If not, we will phone you.

Telephone Number: _____

Permanent Address: _____
(If different from
current address) _____

Telephone Number: _____

Signature: _____ Date: _____

This information will be used only for the purpose of your appeal to the Board. The information is protected by the Freedom of Information and Protection of Privacy Act, 1992. If you have any questions regarding information requested, please contact the Executive Assistant to the President and the Board.

1. Check the grounds for your appeal.

Grounds for appeal of suspension/expulsion are:

Lack of, or flawed process

New evidence, not available at the time of the decision

2. Describe or explain the grounds for the appeal:

If you require more space for this description, attach extra page(s).

3. State the person or Committee whose decision or ruling is being appealed:

(Attach all documents which you feel would support your appeal.)

4. a) Do you intend to call witnesses? Yes No

b) If yes, list the names of these witnesses, with a summary of their evidence.
Attach extra page(s), if required.

5. If you will be represented by someone who will be your spokesperson, please provide the following information:

Name of spokesperson: _____

Address: _____

_____ Telephone Number: _____

6. Will you be represented by legal counsel? If so, provide the following information:

Name of legal counsel: _____

Company: _____

Address: _____

_____ Telephone Number: _____

7. Do you require an interpreter? Yes No

If yes, will you bring your own interpreter? Yes No

OR

Do you require the College to provide interpreting services? Yes No

8. Requested outcome of this Appeal: _____

Return completed form to:

Chair, Board Hearing Committee
c/o Executive Assistant to the President and Board
Vancouver Community College
1155 East Broadway
Box 24620, Station F
Vancouver, B.C. V5N 5T9

appeals\applic.wpd

BOARD HEARING COMMITTEE:

The Board Hearing Committee is composed of three members of the Board who must be available for the entire Hearing and decision making.

The three committee members will select one of this group to chair the committee. Each member is a voting member of the Committee.

- A maximum of one student Board member may participate in a Board Hearing Committee.
- No Board member shall serve on the Hearing Committee if he or she is currently a student or faculty member in the department with which the appeal is concerned, is an instructor of the student whose appeal is to be heard, or may otherwise be perceived to be in conflict of interest.

PROCEDURES:

- The Committee Chair will introduce the participants and outline the procedures to be followed at the Hearing.
- The student* will identify the issues from his/her perspective and outline facts relevant to the appeal. The student may have only one spokesperson.
(The student may have a legal counsel as spokesperson or legal adviser.)
- The respondent* will have the same opportunity to identify the issues from his/her perspective and outline the facts relevant to the appeal.
(The respondent may have a legal counsel as spokesperson or legal adviser.)
- **The student and respondent must direct all questions through the committee chair.**
- The student will have the opportunity to respond to or ask questions of the respondent on his/her presentation.
- The respondent will have the opportunity to respond to or ask questions of the student on his/her presentation.
- The Committee will call in the student's witnesses individually, to be interviewed based on the evidence provided. *Any person who is expected by either party to act as a witness shall not be in the hearing room until after evidence has been completed.*

- The Committee will call in the respondent's witnesses individually, to be interviewed, based on the evidence provided. *Any person who is expected by either party to act as a witness shall not be in the hearing room until his/her evidence has been completed.*
 - The student will have the opportunity to ask questions of the witnesses, through the Chair.
 - The respondent will have the opportunity to ask questions of the witnesses, through the Chair.
 - Committee members may ask questions of the student, respondent and/or witnesses.
 - The Chair will invite the student and the respondent or their spokesperson to provide closing remarks.
 - The Committee members will then deliberate in private.
 - The Committee Chair will submit a written decision and rationale, within five working days of the Hearing, to the Executive Assistant to the Board who will communicate the decision to the student, respondent, Hearing Committee members, Registrar, Dean Student Services, Department Head, VP Educational Support Services, President.
 - The Hearing Committee decision is final.
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- * Any reference to "student" may also refer to the student's spokesperson where appropriate.
 - * Any reference to "respondent" may also refer to the respondent's spokesperson, where appropriate.