



POLICY

Title	Student Appeal of Suspension to Board of Governors
Policy No.	A.1.2
Approval Body	Board of Governors
Policy Sponsor	President
Last Revised/Replaces	April 22, 1999
Effective Date	November 27, 2019

CONTEXT AND PURPOSE

Vancouver Community College (VCC; the College) provides all students with an opportunity to make a final appeal to the Board of Governors on the decision by the College president to suspend a student from the institution. The purpose of this policy is to establish the principles and procedures under which those final appeals will occur.

The B.C. College & Institute Act Section 37 states that “(2) For just cause, the president of an institution may suspend a student of the institution and deal summarily with a matter of student discipline; (3) On exercise of a power of suspension under this section, the president must immediately report the action to the board with a statement of the reasons; (4) A person suspended under this section has the right of appeal to the board.”

SCOPE AND LIMITS

This policy and its related procedures apply to students who have been suspended from the College by a decision of the College president. The circumstances that can result in a suspension are outlined in Policy D.4.3 Student Code of Conduct (Non-Educational Matters) and Policy D.4.5 Student Educational Conduct.

This policy and its related procedures do not apply to the appeal of other academic or non-academic decisions that have not resulted in suspension. Appeal processes for those decisions are outlined in other appeal policies such as C.1.2 Appeal of Final Grade; D.4.3 Student Code of Conduct (Non-Educational Matters); and D.4.5 Student Educational Conduct.

STATEMENT OF POLICY PRINCIPLES

1. VCC will establish and support a process for a student to appeal a suspension from the College that respects the rights of procedural fairness and natural justice.
2. The Board of Governors provides the final avenue of appeal for decisions to suspend.
3. Students are responsible for educating themselves about VCC policies and procedures. Ignorance of VCC policies and procedures does not excuse students from responsibility

for their actions. Policies and procedures that relate to students are available on the website at www.vcc.ca.

4. The decision to suspend will remain in force during the appeal to the Board.
5. VCC encourages students to seek information and/or support from a Support Person about this policy and procedures.
6. The Board Appeal Committee may seek advice about this policy and procedures, hearing procedures and/or procedural fairness concepts from the College Arbiter of Student Issues any time prior to a student's hearing or after a final hearing decision has been issued.
7. All participants in the appeal process, with the exception of the Student, are expected to maintain the confidentiality of any information received during the course of an investigation and to maintain the overall confidentiality of the process.

DEFINITIONS

Support Person: An individual, either internal or external to VCC, who may provide information, advice, advocacy, support and/or representation, including, but not limited to, College Arbiter of Student Issues, Students' Union and/or legal counsel.

Board Appeal Committee (Hearing Committee): The body of four (4) members trained to hear appeals to the Board. The Chair of the Board (or Vice Chair) will act as the non-voting Chair of the Hearing Committee. Three (3) members will be drawn from Board membership; one (1) of the three (3) members must be an elected student representative of the Board.

Balance of probabilities: The standard of proof used in investigations and Appeal tribunals is that, based on the evidence, the alleged violation is "more likely than not" to have occurred.

Procedural Fairness: Students have the right to:

1. Have a policy applied equally;
2. Have a College decision or action communicated in writing with sufficient detail;
3. Dispute an initial College decision or action;
4. Appeal a subsequent College decision or action;
5. Be provided with sufficiently detailed and timely reasoned notice of activity;
6. Have a timely and reasonable opportunity to be heard and present a case before impartial/neutral decision makers;
7. Be provided with sufficiently detailed, reasoned and timely tribunal decisions; and
8. Seek representation or advocacy.

Respondent: The President of the College who is responsible for a decision to suspend a student from the College.

Student: The person who has been suspended from the College and is appealing the decision.

Student Conduct File: A record held by the Associate Vice President, Student Success or delegate, separate from the Student's educational records/files that contains a complete record of any alleged misconduct by the Student, held in accordance with prudent and acceptable standards within the field.

Suspension from the College: Removal of a Student from the College by the President for an identified or indefinite period of time pursuant to the *College and Institute Act*.

RELATED LEGISLATION & POLICIES

Legislation:

College and Institute Act, Section 37

Policies:

- A.2.1 Appeal to Education Council on Educational Matters
- A.3.1 Prevention of Harassment, Discrimination, and Bullying
- A.3.3 Freedom of Information and Protection of Privacy
- A.3.9 Records Management
- C.1.2 Appeal of Final Grade
- D.4.1 Students with Disabilities
- D.4.2 Student Grievance
- D.4.3 Student Code of Conduct (Non-Educational Matters)
- D.4.5 Student Educational Conduct

RELATED PROCEDURES

Refer to A.1.2 Student Appeal of Suspension to Board of Governors Procedures.