



PROCEDURES

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

Student Request for Appeal

1. An appeal must state the grounds on which the appeal is requested. For example, grounds for appeal may include, but are not limited to the following:
 - a. the decision to suspend lacked procedural fairness;
 - b. there is relevant new information that was not available when the decision to suspend was made and that may have influenced the outcome.
2. The Student must submit a “Request for an Appeal to Board of Governors” form, along with all supporting documentation, to the Executive Assistant of the Board (Board EA). The form is available on the College website.
 - a. Appeals must be submitted within twenty (20) business days of the date when the Student was notified of the decision to suspend.
 - b. Submissions received after the twenty (20) business days will be forwarded to the Hearing Committee members for a decision as to whether or not they will hear the case. This submission must include reasons for the delay past the Appeal Request deadline.
 - c. At any time, the Student may terminate the appeal process by providing written notice to the Board EA. The Student may not then resubmit an appeal to the Board on the matter.

Student and President Submissions

3. Upon receipt of the Request for an Appeal, the Board EA will forward a copy of the Request and all supporting documentation to the President within two (2) business days.
 - a. The President will provide a written submission to the Board EA together with any further supporting documentation, within fifteen (15) business days of receiving a copy of the Student’s request.
 - b. The President’s submission will contain the following information:
 - i. Response to the Student’s grounds for appeal;
 - ii. Witnesses to be called, with summary of evidence to be presented;
 - iii. Any documentation in support of the President’s decision to suspend; and
 - iv. Spokesperson and/or representative, if any, of the President.

- c. In unusual circumstances and at the discretion of the Chair of the Hearing Committee, additional documents may be accepted from either the Student or the President after the submission deadline.
4. Upon receipt of the President's submission, the Board EA will, within two (2) business days, send a copy of the President's submission to the Student, and copies of both submissions (from the Student and the President) to the Chair of the Board.

Striking the Hearing Committee

5. The Chair of the Board of Governors will strike a Hearing Committee within five (5) business days of receiving the submissions.
 - a. Hearing Committee members are required to disclose any actual or potential conflict of interest for discussion and determination of their suitability for the Hearing Committee.
 - b. Hearing Committee members are required to have completed training on tribunal procedures before participating on a Hearing Committee.
6. The Hearing Committee will convene within five (5) business days of being struck to review the documentation and determine whether or not the appeal request is based on sufficient grounds.
 - a. The Chair of the Hearing Committee will notify the Student and President in writing of the decision whether or not to hold a Hearing and the reasons for that decision within three (3) business days of the meeting.
 - b. If the appeal grounds have been met, the Chair of the Hearing Committee will normally schedule a Hearing within ten (10) business days of the decision to proceed.

Appeal Hearing

7. All Hearings will be recorded.
8. The Hearing will be attended by:
 - a. Members of the Hearing Committee;
 - b. The Student;
 - c. The President or delegate as outlined below;
 - d. Witnesses;
 - e. The Arbiter of Student Issues (observer only); and
 - f. Other persons as indicated below.
9. The President may send a delegate in exceptional circumstances (such as being away for a period where delay of the Hearing would have significant consequences to the Student).
10. Hearings are closed meetings and are not open to the public or VCC community members who are not involved in the case being heard.
 - a. The Student may have representation during the Appeal Hearing. Students must identify the name and title of their representative in the "Request for an Appeal to the Board of Governors" form and such must be provided to the President prior to the Hearing. However, the Student is expected to fully

- participate in the hearing and answer any direct factual questions asked by the Hearing Committee.
- b. The President may have representation during the Appeal Hearing. The President must identify the name and title of their representative to the Hearing Committee and such must be provided to the Student/Appellant prior to the Hearing. However, the President is expected to fully participate in the Hearing and answer any direct factual questions asked by the Hearing Committee.
 - c. The Student may also have a support person present. The support person may not speak to the Tribunal.
 - d. The Student may request accommodations needed to fully participate in the Hearing and should inform the Chair of such requirements five (5) business days prior to the Hearing.
11. During the hearing, the Chair will chair the proceedings and ensure that procedural fairness is followed. The Chair will begin the hearing by introducing all parties in attendance and outlining the procedures to be followed. An opportunity will be provided for presentation of the issues or questions to the respondent from the Student's perspective. The President will be given the same opportunity. Tribunal members may pose questions to any party or witness through the Chair.
 12. The President and members of the Hearing Committee are expected to return all printed documentation provided during the proceedings to the Chair at the close of a hearing. The Chair will ensure all documentation is kept in the Student Conduct File.
 13. The President, members of the Hearing Committee, and other employees of the College involved are required to maintain the confidentiality of the proceedings.

Decision

14. Immediately after the Hearing, the Hearing Committee members will deliberate in private and make a decision regarding the Appeal.
15. The decision:
 - a. is based on the burden of proof of "balance of probabilities,"
 - b. is made by majority vote.
16. The Hearing Committee will rule that the appeal is "allowed" or "dismissed." If the appeal is "allowed," the Committee will either:
 - a. remit the matter back to the President for reconsideration; or
 - b. substitute its own decision for the decision of the President.
17. If there is any delay in making a final ruling, the Student will be informed of the delay and given a reasonable timeline for the completion of the process.
18. The Chair will convey the final decision and rationale to the Student and the President the same day and in person, if possible, and in writing within three (3) business days of the Hearing. The Associate Vice President, Student Success, will receive a copy of the written decision and rationale for the Student Conduct File and to communicate to the Registrar and affected parties.

19. The College Arbiter of Student Issues will be given access to the final written decision and rationale upon request.

Hearing Records, Recordings and Files

20. Audio and/or written records will be maintained in the Student Conduct File.
21. Files will be maintained for a minimum of one (1) year after the Hearing date.
22. These records will remain confidential.

RELATED POLICY

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