



Policy	#3-30 (Formerly #4-12)
Approved By:	Education Council
Approval Date:	March 26, 1997
Revision Date:	June, 2002, June 10, 2011
Effective Date:	June 10, 2011
Date to be Reviewed:	June 2016
Administrator Responsible:	VP SESP

STUDENT APPEAL POLICY

POLICY

North Island College students may formally appeal a decision of North Island College that they believe was not fairly considered. The College will consider student appeals in a consistent, thorough, timely, and unbiased manner that respects the rights of all parties involved.

PURPOSE

This policy will provide the College with guidance in resolving appeals arising from:

- Student Complaint Resolution Policy #3-31
- Student Conduct Policy #3-06
- Academic Honesty and Standards Policy #3-26
- Student Final Grade Dispute Resolution Policy #4-03

PRINCIPLES

- Students may appeal only a decision of the College. Students are encouraged to informally resolve complaints regarding a College employee or service using Student Complaint Resolution Policy #3-31.
- North Island College will carry out a fair and timely appeal process that is carried out in accordance with the principles of natural justice. However, North Island College's appeal process is not a judicial process.

GUIDELINES

- North Island College will apply this policy in a manner that meets the prevailing terms of existing law, other NIC policies, Collective Agreements and regulations.
- North Island College will widely and openly communicate this policy and its related procedures to its students, community users and employees.
- Students should become familiar with College policies which are relevant to their concerns, including, if appropriate, policies on human rights and harassment.
- North Island College will uphold the principles of privacy in accordance with the *BC Freedom of Information and Protection of Privacy Act*.
- North Island College requires that all persons involved in the student appeal process keep the information relating to the process confidential. However, North Island College cannot guarantee anonymity.
- North Island College expects that all participants in a student appeal process will demonstrate respect and professional conduct throughout the process.
- Students are encouraged to seek advice and assistance from their Department Chair, a Counsellor in Student Services or a faculty member in the Access for Students with Disabilities department, for support in this process.
- A student can withdraw his/her appeal at any time during the appeal process. In this case, the matter is considered closed and no further appeal will be allowed on the same matter.
- North Island College expects that students will submit a written notice of appeal within twenty (20) working days of the decision.
- Excepting suspensions from the College which are decided by the President and appealed to the Board of Governors, appeals are considered at the Vice-Presidential level.
- While an appeal is in progress, students may pursue their program of study until an appeal decision is delivered. Unless there is a demonstrated risk to safety, students shall be permitted to attend classes during the period of the investigation.
- Appeal of decisions rendered under Policy #3-31, Student Complaint Resolution Policy is to the responsible Vice-President.
- Appeal of decisions rendered under Policy #3-06, Student Conduct Policy is to the responsible Vice-President.
- Appeal of decisions rendered under Policy #3-26, Academic Honesty and Standards Policy is to the Vice-President, Education.
- Appeal of decisions rendered under Policy #4-03, Student Final Grade Resolution Policy is to the Vice-President, Education.

PROCEDURES

Student Services will keep procedures outlining the implementation of this policy and the College will post them on the website. They are also included as Appendix A to this policy.

CROSS REFERENCE

Student Complaint Resolution Policy #3-31

Student Conduct Policy #3-06

Academic Honesty and Standards Policy #3-26

Student Final Grade Dispute Resolution Policy #4-03

Appendix A PROCEDURES

APPEAL PROCEDURES

1. Students may appeal a decision of the College arising out of :
Student Complaint Resolution Policy #3-31
Student Conduct Policy #3-06
Academic Honesty and Standards Policy #3-26
Student Final Grade Dispute Resolution Policy #4-03
2. To commence an appeal, the student must submit a written notice of appeal to the responsible Vice-President within twenty (20) working days of the Dean/Director's decision.
3. The written notice of appeal must include:
 - a) A copy of the decision being appealed;
 - b) A written statement from the student indicating the basis of the appeal which must be one or more of the following:
 - i. that the student is denying the conduct;
 - ii. that there was unfairness in the process before the Dean/Director;
 - iii. that the penalty imposed was inappropriate;
 - iv. that new evidence has emerged that was not available during the investigation and that casts significant doubt as to the correctness of the decision.
 - c) The resolution sought on the appeal;
 - d) Any relevant information and supporting documentation;
 - e) Contact information for the student.
4. The Vice-President will evaluate the notice of appeal and determine if there are sufficient grounds for an appeal. The Vice-President may:
 - a) Deny the entire appeal. This may include remitting the matter back to the Dean/Director for reconsideration with recommendations and/or directions;
 - b) Allow some or all of the appeal to proceed and direct that a panel be convened to consider some or all of the issues.

At any time in the process, the Vice-President may seek further information and/or clarification from any person involved in the appeal.

The Vice-President will communicate his/her decision to the student within five (5) working days of receipt of the notice of appeal.

5. If the Vice-President allows the appeal, he/she will initiate the appeal process within ten (10) working days of the communication of his/her decision to the student. The Vice-President may extend the time period if the appeal is complex

and/or if necessary participants or information are not available within ten (10) working days.

6. If the Vice-President allows some or all of the appeal to proceed, he/she will:
 - a) convene a panel; and
 - a) communicate to the student the issues to be considered in the appeal and the process, timing and location of the panel hearing.
7. The panel will be composed of four members. They are the Vice President (chair and non-voting), one student, one faculty member and one administrator. As chair, the Vice-President has the responsibility of selecting panel members and of ensuring that they are free of conflict of interest related to the case being heard. The panel will normally hear the appeal within ten (10) working days of the Vice-President's decision to allow the panel. The Vice-President may grant extensions to this deadline if panel members are not available, if additional information is required, or for other extenuating circumstances.
8. The panel may:
 - uphold the decision of the Dean/Director;
 - reverse the decision of the Dean/Director;
 - return the decision to the Dean/Director for reconsideration based on new evidence submitted by the student;
 - vary the decision imposed by the Dean/Director.
9. The decision of the panel will be final and binding with regards to the issues put before it, except in the case where the President suspends a student from the College. In this case, appeal is to the Board of Governors (see next section on appeals of suspensions).
10. The Vice-President will communicate all decisions to the student in writing within five (5) working days of the decision of the panel. All decisions will be kept in the student's official file.

APPEALS OF SUSPENSIONS

Suspension from a College Program

Suspension from a College program is the refusal of the College to allow a student to attend the class, course, program, service, or activity in which the student is enrolled and/or is scheduled to participate.

If a Dean/Director suspends a student from a College program or service, then the student may appeal his/her suspension the appropriate Vice-President.

Suspension from the College

Suspension from the College is the refusal of the College to admit a student to *any* class, course, program, service, activity or college operated location.

The Dean/Director may recommend to the President or his/her designate, that the student be suspended from the College for a certain period of time, indefinitely or permanently.

Students may appeal a Dean/Director's recommendation of suspension to the responsible Vice-President.

If after appeal to the responsible Vice-President, a recommendation of Suspension from the College stands, the President may suspend a student from the College. The President has the authority under the College and Institute Act to suspend a student for just cause.

A student may appeal the President's suspension of himself or herself to the College's Board of Governors

To bring an appeal to the Board of Governors, the student must file a notice of appeal to the Board of Governors within twenty (20) working days of the President's decision. The Notice of Appeal to the Board of Governors must contain:

- A copy of the President's decision;
- A copy of the Vice-President's decision (if any);
- A copy of the Dean/Director's decision (if any);
- The allegation(s) of procedural unfairness that the student relies on for the appeal;
- The resolution sought on the appeal;
- Any relevant information and supporting documentation;
- Contact information for the student.

The appeal to the Board of Governors will be conducted in accordance with the current Board of Governor's Student Appeal Guidelines.