



NORTH ISLAND COLLEGE BOARD OF GOVERNORS POLICY MANUAL

STUDENT/EMPLOYEE APPEALS POLICY TO THE COLLEGE BOARD OF GOVERNORS

Policy Statement

North Island College, in accordance with the College and Institute Act, allows for an appeal to the Board of Governors by a student or employee who has been suspended by the President.

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.”

Purpose Statement

The purpose of this policy is to outline the suspension appeal process.

Scope and Application

This policy applies to students or employees who have been suspended by the President.

The only grounds for a student or employee (appellants) to appeal to the Board are:

- a) a flaw in the college’s due process or procedures in the determination to suspend the student or employee, or
- b) new evidence, not available at the time of the President’s decision to suspend the student or employee, that may have affected the decision.

Procedures

1. The appellant must submit the Request for an Appeal Hearing Form (Appendix A) to the Executive Assistant to the Board within 10 business days of receipt of the President’s decision letter.
2. Upon receipt of the appeal, the Executive Assistant to the Board will give the completed Request for an Appeal Hearing Form to the President and the Board of Governor’s (BoG) Chair.
3. The President, or designate, will provide a written submission to the Executive Assistant to the Board, together with any further supporting documentation, within 10 business days of receiving a copy of the appellant’s appeal documentation.

This submission will contain the following information:

- reasons for the suspension, and
 - witnesses to be called, should the Hearing be granted, with summary of evidence to be presented.
4. The BoG Chair (or Board designate) will convene a Board Hearing Committee who will then review the request and determine whether the appeal meets the criteria outlined in the scope and application. If the Hearing is not granted, the student/employee will be informed by the Chair of the Board Hearing committee within five business days.

5. If the appeal meets the criteria, the President will have the opportunity to review any new information provided in the appeal. The President has the opportunity to change the decision prior to the scheduled hearing.
6. The appellant will remain on suspension until the outcome of the Board Hearing Process is known.
7. The Board Hearing will be held within five business days and conducted in accordance with the Rules set out in Appendix B.
8. The Appellant will be offered the opportunity to be accompanied to the Hearing by a support person and will be provided with additional supports as required and available.
9. If the Appellant fails to attend the Hearing and fails to provide reasonable evidence of an emergency, the Hearing is abandoned, and the Appeal is automatically denied.
10. The Appellant may, at any time, terminate the appeal process by providing written notice to the Executive Assistant to the Board. The Appellant may not subsequently resubmit the appeal to the Board of Governors.
11. Within five business days of receiving the recommendation from the Board Hearing Committee, the Board of Governors (or Executive Committee if so delegated) will make its decision on the Appeal and will notify in writing the Appellant, the President, Office of the Registrar (Students) or Human Resources (Employees) and other administrators as appropriate.
12. The decision of the Board will be that the appeal is “founded” or “unfounded”. The decision of the Board is final; it will not be revisited.

All timelines referred to in this document are based on regular business days (Monday through Friday). The 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.

Where these timelines cannot be met due to unforeseen circumstances or during college closures, the Appellant and President will be notified.

Definitions

Appellant:

Student or employee appealing a decision of suspension.

Additional Supports:

Supports may be recommended, requested or required by any involved party to assist in the understanding of process and discussions. This may include, but is not limited to, language translators, sign language interpretation or cultural advisors.

Support Person

A person who is present at the Hearing. This person will not participate or provide comment during the Hearings and must not be in conflict of interest.

Links to Other Related Policies:

Human Rights, Discrimination and Harassment, Human Resources Policy 2-08

<https://www.nic.bc.ca/pdf/policy-2-08-human-rights.pdf>

Progressive Discipline: Misconduct or Inappropriate Behavior, Human Resources Policy 2-12

<https://www.nic.bc.ca/pdf/policy-2-12-progressive-discipline-misconduct-or-inappropriate-behaviour.pdf>

Community Code of Academic, Personal and Professional Conduct, Education Policy 3-06

<https://www.nic.bc.ca/pdf/policy-3-06-community-code-of-academic-pers-and-prof-conduct.pdf>

Student Appeal Policy, Education Policy 3-30

<https://www.nic.bc.ca/pdf/policy-3-30-student-appeal.pdf>

Appendix A - Request for an Appeal Hearing Form

(Please print)

Date: _____

Name: _____

(First)

(Last)

Student ID (if applicable): _____

Email Address: _____

Current Address: _____

Phone Number: _____

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. If you have any questions regarding information requested, please contact the Executive Assistant to the Board.

1. Check the grounds for your appeal.

Grounds for appeal of suspension are:

- Lack of, or flawed process
- New evidence, not available at the time of the decision*

*New evidence will be considered in accordance with the following principles:

- New evidence will only be considered if it was known (by the appellant) prior to appeal and attempts were made to address the issue.
- The evidence must be relevant to the appeal.
- The evidence could reasonably be expected to have affected the decision to suspend.

2. Describe or explain the grounds for the appeal:

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

(Attach all documents in support of your appeal.)

3. If you intend to call witnesses, list the names of these witnesses with a summary of their evidence. Attach extra page(s), if required.

4. If you require additional supports such as a translator or ASL interpreter, please indicate below (please note that supports will be dependent on need and availability):

5. Requested outcome of this Appeal:

I certify that, to the best of my knowledge, the information submitted on this form is accurate, true, and complete *

Signature: _____ **Date:** _____

Return completed form to:

Email - bog@nic.bc.ca or

Mail to:

Chair, Board Hearing Committee
c/o Executive Assistant to the Board, North Island College
2300 Ryan Road Courtenay, BC V9N 8N6

Appendix B – Board Hearing Process

Board Hearing Committee

The Board Hearing Committee is determined by the BoG Chair (or designate) and comprised of a minimum of three members (one designated as Chair).

No Board Member shall serve on the Hearing Committee if they are currently a student or employee in the department in which the appeal is concerned or may otherwise be perceived to be in a conflict of interest with respect to the Appeal to be heard.

Procedures:

1. The Hearing Committee Chair will introduce the participants and outline the procedures to be followed at the Hearing.
2. The Appellant will identify the issues from their perspective and outline facts relevant to the appeal.
3. The President, or designate, will have the same opportunity to identify the issues from their perspective and outline the facts relevant to the appeal.
4. The Appellant and President will have the opportunity to respond to or ask questions on the other's presentation.
5. The Committee will call in the Appellant's witnesses individually. Witnesses will be limited to attend the hearing only during their relevant testimony.
6. The Appellant and President will have the opportunity to ask questions of the witnesses.
7. The Committee members may ask questions of the Appellant, President, and/or witnesses.
8. The Chair will invite the Appellant and the President to provide closing remarks.
9. The Committee will then deliberate in private.
10. The Committee Chair will submit a written recommendation and rationale to the BoG Chair. The Board of Governors (or Executive Committee if so delegated) will render a decision.
11. The decision will be communicated to all parties in writing within five business days.
12. The Board of Governors decision is final.

Appendix C – Flow Chart of Timelines

Flow Chart of Timelines for Student/Employee Suspension Appeal



All timelines referred to in this document are based on regular business days (Mondays to Fridays). The 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.

Where these timelines cannot be met due to unforeseen circumstances or during college closures, the Appellant and President will be notified.