

<b>DOCUMENT TITLE</b>	Process for Appeal of Suspension from College
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<b>TYPE OF DOCUMENT</b>	Procedure Document
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<b>HOLDER</b>	President
<b>RESPONSIBLE OPERATIONAL LEADER</b>	President

## PROCESS FOR APPEAL OF SUSPENSION FROM COLLEGE

### PURPOSE

The purpose of this document is to outline the process that will take place should a student be suspended from the College by the President.

### PROCEDURE

#### APPEAL OF SUSPENSION FROM THE COLLEGE

If the President suspends a student from the College, the student has a right to appeal to the Board of Governors Executive Committee as per the [British Columbia College and Institute Act](#) and [Policy G-1.7](#).

The only two grounds upon which an appeal can be based are:

1. A flaw in due process or procedures in the determination to suspend the student.
2. New evidence or information, not available at the time of the President's decision to suspend the student, which may have affected the decision.

The student appellant must submit their appeal package to the Board Assistant [BoardEA@camosun.ca](mailto:BoardEA@camosun.ca) within ten working days of receipt of the suspension letter. They may request a review in person or in writing. The appeal package must include a copy of the President's decision that is being appealed, the grounds on which they are basing their appeal, the reasons they are requesting an in person hearing if they are requesting such, and must attach copies of all documents upon which the student intends to rely.

On receipt of the appeal package:

1. The Board Executive Assistant shall give the appeal package to the Board Chair.
2. The Board Chair shall determine whether the appeal meets the grounds of appeal outlined above.
3. If it does not meet either of the grounds of appeal, the student will be informed in writing by the Board Chair within five days of the Board Chair's receipt of the appeal that the appeal will not be accepted because it does not fall within the scope of the grounds for appeal.
4. If the appeal meets one or more of the grounds of appeal, the Board Chair will inform the Board Student Appeal of Suspension Committee (the "Committee") and provide both the Committee and the President with a copy of the student's appeal package.
5. The "Committee" includes the members of the Board Executive Committee minus the President and with the addition of one of the elected student Board members. One of the two will be invited to join the "Committee" and if they are unable to or do not wish to join, the second student Board member will be invited. If the second elected student Board member is unable to or does not wish to join, the Committee will proceed without a student.

## **PROCESS FOR THE HEARING**

### **Initial consideration**

If the student requests a hearing in writing, the process for a hearing in writing set out below will be followed.

If the student requests an in person hearing, the Committee will consider the reasons for the request and determine whether such a hearing is necessary or appropriate in the circumstances. The Committee has the sole discretion to determine whether an in person hearing is necessary or appropriate. If the Committee determines that an in person hearing is necessary or appropriate, the Committee will set a date for that in person hearing, and the process for an in person hearing set out below will be followed. The Board Executive Assistant will advise, in writing, the student and the President of the date set for the in person hearing.

### **Hearing in writing**

1. The Committee will set a submission schedule for receipt of submissions. The Board Executive Assistant will advise the Student and President, in writing, of that schedule.
2. The student will provide the Committee with their full written submissions on the appeal, including all arguments and reasons why they think the appeal should be granted. If the student is alleging that new evidence or information became available after the President made their decision, the student shall describe what that new evidence is and include any documents relating to that new evidence, set out the reasons why that evidence or information was not available at the time the President made their decision, and explain why it might affect the President's decision.

3. The President will be given an opportunity to provide a written response to the request for appeal and the student's full submissions. The President's response will be limited to outlining the process followed in making their decision to suspend and any relevant documents received and policies considered, and responding to the student's submission regarding the alleged procedural flaws or the new information and evidence.
4. The student will be given an opportunity to reply to the President's response.
5. The Committee will convene a meeting to review the full set of documents, including the student's appeal package and submissions, and the response of the President. Should the Committee determine that it can make a decision based on the submissions and documents provided, it will make such decision. If the Committee requires further information in order to make a decision, the Committee will request such information and give the parties an opportunity to make submissions based on that further information. The opportunity to provide further information may be in writing or in person, at the discretion of the Committee. If the Committee determines that an in person hearing is necessary or appropriate in the circumstances in order to properly understand the further information, it will schedule that hearing as soon as possible.
6. The Committee has the sole discretion to determine whether to hold an in person hearing in light of its request for further information.
7. If the student has requested a hearing in writing or, on consideration of the student's reasons for requesting an in person hearing, the Committee determines that an in person hearing is not necessary or appropriate in the circumstances, or has otherwise decided that an in person hearing is not necessary, the Committee will make a decision based on the submissions and documents before it.

### **Hearing In Person**

1. If the Committee decides that an in person hearing is necessary or appropriate, either initially or because it requires further information best presented in person, both the student (along with a support person) and the President are entitled to be present for the hearing. If the student brings a support person, they are entitled to be present but not to participate in the hearing.
2. The Board Chair will preside over the hearing.
3. The student will have an opportunity to present their case as to why the appeal should be allowed, including presenting their arguments regarding the alleged flaws in due process, and/or relating to new evidence and information that was not available at the time the President made their decision, including the reasons the new evidence or information was not available and why it would have affected the President's decision. If the student is alleging that there is such new evidence or information, the student should include all documents relating to that new evidence.

4. The President will have an opportunity to respond to the student's appeal package, submissions and arguments, including the new information and evidence.
5. The Committee may ask questions of the student and the President.
6. Both the President and student will have the opportunity to make final statements to the Committee regarding the merits of the appeal.
7. The Committee will deliberate in-camera without the presence of the student and the President.

### **Decision**

1. The Committee will determine the outcome of the appeal and its decision is final.
2. The decision is based on the burden of proof of the balance of probabilities, and is made by a majority vote of the members of the Committee.
3. The Committee will rule that the appeal is either "allowed" or "dismissed".
4. If the Committee allows the appeal on the basis that there is new information or evidence that was not available at the time the President made their decision and that evidence or information might have affected the President's decision, the matter will be remitted back to the President for reconsideration taking into account that new evidence or information.
5. IF the Committee allows the appeal on the basis that there were flaws in the due process or procedures with respect to the President's determination, the Committee may either remit the matter back to the President for reconsideration or substitute its own decision for that of the President.
6. The decision will be communicated in writing to the parties as soon as possible.
7. The decision of the Committee will be placed on the student's file. The Vice President Student Experience will be provided with a copy of the decision and will communicate that to the Registrar.

### **LINKS TO RELATED CAMOSUN POLICIES, DOCUMENTS, AND/OR WEBSITES**

- [G-1.7 Board Executive Committee Terms of Reference](#)
- [E-2.9 Sexual Violence and Misconduct](#)
- [Guidelines: Camosun College Support Person](#)