

## **B3009 SEXUAL VIOLENCE OR MISCONDUCT**

### **APPEAL PROCEDURES FOR STUDENTS**

This procedure applies to Langara students who wish to appeal a decision made under the Sexual Violence or Misconduct Policy.

#### **1. GROUNDS**

- a. An appeal must be based on one or more of the following grounds.
  - i. The action that received a sanction is not a violation as of the Sexual Violence or Misconduct policy, or
  - ii. Relevant evidence has become available that was not available at the time of the original decision and there is a strong probability that the evidence would have a significant effect on the decision, or
  - iii. There is clear and demonstrable evidence of a procedural error that significantly affected the outcome of the decision.
- b. Advice on the appeal process and grounds for appeal can be obtained from the Office of Student Conduct & Academic Integrity.

#### **2. DECISION REVIEW**

- a. This section applies to appeals that do not involve suspension or revoking/rescinding a credential. For appeals of suspension or credentialing, see Appeal to the Board of Governors under section 5 below.
- b. A student may request a review of a Sexual Violence or Misconduct Policy decision within 5 business days of being notified of the Sexual Violence or Misconduct Policy violation and imposed sanction. Requests for a decision review must be submitted in writing to the Office of the Associate Vice President, Students. The request must include:
  - i. An explanation of the grounds on which the review is based.
  - ii. An explanation of the desired resolution or outcome.
  - iii. Any additional information or evidence the student wishes considered.
- c. The Office of the Associate Vice President, Students will review the request and any other relevant information and decide if there are grounds for the decision review.
- d. Within 5 business days of receiving the request, the Office of the Associate Vice President, Students will notify the student if:
  - i. The request will go to a decision review based on the grounds listed in 1.a, or
  - ii. The request will be dismissed for not meeting the grounds listed in 1.a.
- e. The decision of the Office of the Associate Vice President, Students to dismiss a request is final, and not subject to further appeal.
- f. If the student has shown that there are grounds for a decision review, the Office of the Associate Vice President, Students may, at its discretion:
  - i. Ask for a meeting with the student before deciding.

- ii. Ask for more information from internal or external sources. If such information is provided, the student will be given an opportunity to respond to that information; or
  - iii. Decide based on the written request.
- g. If the student is asked to attend a meeting, they may be accompanied by a support person who is a member of the College community, if the support person has had no prior involvement in the matter under appeal. Attendance at a meeting by any other person shall be at the discretion of the Associate Vice President, Students.

### **3. DECISION REVIEW OUTCOME**

- a. In response to the decision review, the Associate Vice President, Students may:
  - i. Find the student responsible for a policy violation and uphold the original sanction.
  - ii. Find the student responsible for a policy violation and impose a different sanction.
  - iii. Find the student not responsible for a policy violation and remove the sanction.
- b. The decision review outcome will be sent to the student within 15 business days of receipt of the request.
- c. Any decision made as an outcome of this process is not subject to further appeal.

### **4. SUSPENSION, DENIAL OR RESCINDING OF A CREDENTIAL**

- a. The President has the authority to suspend a student from the College or deny or rescind a college credential for breaches of college policy.
- b. A student who has been suspended from the College or has had a credential denied or rescinded by the President, has a right of appeal to the Langara College Board of Governors.

### **5. APPEAL TO THE BOARD OF GOVERNORS**

- a. A student who wishes to appeal the decision of the President to suspend or deny or revoke a credential, must first exhaust all avenues of appeal within the College including all applicable policies before starting an appeal.
- b. The Board will only consider appeals that relate to procedural grounds. The Board will not reinvestigate or review a determination of fact.
- c. Grounds for appeal are:
  - i. The student did not receive information about the case and related concerns.
  - ii. The student was not given an opportunity to respond to the concerns.
  - iii. The student was not provided with reasons for the decision.
  - iv. There is clear and demonstrable evidence that the policy or procedures were not followed in a way that significantly affected the outcome of the decision.
- d. The student must start a final appeal to the Board in writing within 5 business days of the issuance of the President's decision, and include:
  - i. The procedural grounds for their appeal.

- ii. A written chronological of the facts supporting the stated grounds for the appeal; and
  - iii. Copies of all documents upon which the student intends to rely.
- e. In response to the appeal, the Board may:
  - i. Decline the appeal summarily on the basis the appeal would not substantially affect the previous decision.
  - ii. Ask for further written submissions.
  - iii. Decide based on the written submissions alone.
  - iv. Conduct a hearing to obtain submissions from interested persons; or
  - v. Undertake any other steps the Board considers are needed to uphold the principles of fairness and due process.
- f. A designated member or members of the Board will notify the student in writing of the outcome of the appeal within 15 business days following receipt of the appeal.