

E1003 – STUDENT CODE OF CONDUCT

APPEAL PROCEDURES

This procedure applies to Langara students who wish to appeal sanctions imposed under the Student Code of Conduct Policy. See Policy E1003 for definitions to these procedures.

GROUND

To appeal a sanction, a student must make an Application to Appeal showing that one or more of the following grounds have been met.

- a) 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;
- b) The severity of the sanction is disproportionate to the nature of the violation; or
- c) The student was denied:
 - i. An opportunity to know the case against him or her;
 - ii. An opportunity to respond to the case against him or her;
 - iii. An unbiased decision.

APPEAL APPLICATION

An Application to Appeal must:

- a) Identify the grounds for the appeal,
- b) Include a copy of the original decision,
- c) Set out the requested outcome.

APPEAL MEETING

If a student is requested to attend a meeting with regard to an appeal, the student may be accompanied by a support person who is a member of the College community, providing the support person has had no prior involvement in the matter under appeal.

Attendance at an appeal meeting by any other person shall be at the discretion of the entity hearing the appeal.

If a student does not attend a meeting when requested to do so, the matter will be decided based on the available information.

APPEAL OF SANCTIONS OTHER THAN SUSPENSION

A student must submit an Application to Appeal to the Office of the Dean, Student Services within seven days of receiving the sanction decision.

Within fourteen (14) business days of receiving the application, the Dean, Student Services may, at his or her discretion:

- a) Request a meeting with the student before rendering a decision;
- b) Request additional information from internal or external sources. If such information is provided, the student will be given an opportunity to respond to that information; or
- c) Render a decision based on the written application.

In response to the appeal, the Dean, Student Services may:

- a) Deny the appeal because it does not meet the required grounds;
- b) Deny the appeal and uphold the sanction;
- c) Grant the appeal and remove the sanction; or
- d) Grant the appeal, remove the sanction and impose a different sanction.

The Dean, Student Services will notify the student in writing as to the outcome of the appeal. Any decision rendered as an outcome of this process is not subject to further appeal.

APPEAL OF SUSPENSION

As outlined in Section 5 of the Langara College Board of Governors Bylaw 201 – Board Operations, a student who wishes to appeal the decision of the President to suspend the student from the College, must first exhaust all avenues of appeal within the College including all applicable policies before commencing a final appeal to the Board.

The Board will only consider appeals that relate to matters of procedural fairness. The Board will not conduct an investigation or review determination of fact.

The student must commence a final appeal to the Board in writing within 5 business days of the issuance of the President's decision.

At the time of commencement of the final appeal to the Board, the student must:

- a) Identify the specific grounds for the appeal;
- b) Provide a chronological statement of the factual circumstances supporting the stated grounds for the appeal; and
- c) Enclose copies of all documents upon which the student intends to rely.

Within 10 Business Days of receiving the student's appeal, the Board shall appoint an appeal committee of no fewer than 3 persons from the members of the Board, other than the President, to consider the appeal.

In making its decision, the Board should ensure that it obtains the following:

- a) A description of the process followed during the investigation;
- b) A summary of the facts found by the President;
- c) That the President provided the student with the opportunity to address the facts in issue; and

- d) An explanation from the President as to why the President believes the particular discipline imposed is appropriate.

In response to the appeal, the Board may, in its discretion:

- a) Decline the appeal summarily on the basis the appeal would not substantially affect the previous decision;
- b) Request further written submissions;
- c) Render a decision based on the written submissions alone;
- d) Conduct a hearing to obtain submissions from interested persons; or
- e) Undertake any other steps the Board considers are appropriate to uphold the principles of fairness and due process.

The Board's decision shall be on the basis of a majority vote of the members of the appeal committee and shall normally provide written reasons for its decision within 60 days of the commencement of the appeal.