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<b>Title:</b>	<b>Student Code of Conduct – Appeals Procedures</b>
<b>Type:</b>	Administrative
<b>Policy #:</b>	SL102-02
<b>Effective Date:</b>	September 2007
<b>Approved by:</b>	Executive Team, September 2007
<b>Last Revision:</b>	October 2015
<b>Next Review:</b>	October 2020

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## 1. Policy

Refer to Policy Number SL100-02

## 2. Role and Composition of the College Appeal Board

### 2.1 Composition

- 2.1.1 The members of the College Appeal Board (CAB) are students, faculty and staff appointed by the Associate Vice President, Academic Excellence to serve for a two year term, renewable once, unless terminated earlier by the Associate Vice President, Academic Excellence. Students shall serve for a one year term, renewable once.
- 2.1.2 The panels for CAB will consist of a minimum of three (3) and a maximum of five (5) members, and must include at least one student, and one faculty member. CAB will be chaired by the Associate Vice President, Academic Excellence. No panel members may serve on CAB for a case involving the same student. The recording secretary of CAB (the Secretary) will be a person from the Office of Academic Excellence or designate. The Secretary is a non-voting member of CAB.

### 2.2 Role

- 2.2.1 Decisions on sanctions made by the Dean of a School, Director of Student Life or the Dean of Students are not dependent on and do not require a CAB hearing but may be appealed to CAB on the grounds outlined below in the Appeals Procedures.
- 2.2.2 CAB hears appeals of decisions (substantive) or decision-making process (procedural) from the previous level, of either the Dean/Director.
- 2.2.3 CAB hearings provide an opportunity for a balanced presentation of facts. The hearings are “private”, and restricted to persons who have a direct role or interest in the hearing, or persons who are acting as witnesses. At the discretion of the Chair, other persons may be admitted to the hearing for training purposes or other reasonable considerations.
- 2.2.4 CAB is an administrative body and therefore not bound to observe strict legal procedures but ensures that its procedures are as fair as possible, using the

principles of “procedural fairness” and “balance of probability”. The guiding principle of “procedural fairness” means a range of rights and procedures that guarantee fairness, including the right to be heard and the right to a fair decision. The “balance of probabilities”, means that the person(s) making the decision must find that it is more probable than not that a disputed situation occurred.

### **3. Recording Secretary to CAB**

The Secretary will be responsible for:

- 3.1 Coordinating all meetings and hearings of CAB, preparing and distributing files for review and/or hearing by CAB, notifying CAB members of the dates, times and locations of hearings, seeking any declaration of conflict of interest and notifying the Associate Vice President of any, and maintaining files and records of all cases reviewed or heard by the Board.
- 3.2 Notifying the party(s) to the case, at least five (5) business days in advance of the date, time, and location of the hearing, providing the names of members of the Board, and providing the parties with a copy of the evidence gathered.
- 3.3 Notifying the Associate Vice President Academic Excellence of any identified conflict of interest.
- 3.4 Requesting information on prior complaints and results from both the home School of the Student and the Student Experience Office. This information remains confidential and becomes available to CAB only when considering penalty.
- 3.5 Recording and safekeeping of the proceedings of the hearing.

Notice will be sent via e-mail and post to the current e-mail and mailing addresses provided by the student and available on the Academic Information System. Students are responsible for updating their contact information through Enrolment Services. Any notice sent to postal or e-mail address and not received because the student has failed to meet this requirement will have no bearing on the proceedings.

### **4. Student Rights and Responsibilities at a Hearing**

- 4.1 Students have the right to request that a support person/adviser attend any appeal hearing with them. This support person will serve as a silent observer. The student can request breaks in process to consult with his/her support person. This support person can be a family member, friend or a Centennial College student advocate. The name of the support person/adviser must be provided to the Secretary at least two days prior to the Hearing. Legal professionals acting on behalf of students shall not attend College hearings.
- 4.2 Students have the right to have their case heard within a reasonable amount of time. Every attempt will be made to hear the case within fifteen (15) business days of receipt of request.
- 4.3 Students have the right to a private hearing where only persons with interest in the matter will be present.

- 4.4 Students have the right to know the nature and source of the evidence. All information will be provided in writing to all parties in advance of the hearing, including the Procedural Guidelines for hearings/appeals.
- 4.5 Students have a responsibility to attend the hearing. If a student fails to appear at a hearing after proper notice, the hearing may proceed, a decision made and sanctions imposed, unless the student can establish, to the satisfaction of the Chair, the existence of circumstances which made an appearance before CAB impossible or unfairly burdensome.
- 4.6 If after being notified of the names of CAB members, a student is aware of a conflict of interest or ought to reasonably have known of a conflict of interest, the student must notify the Secretary immediately by telephone or e-mail of the conflict and the reason for the conflict.

## 5. Appeals Procedures

- 5.1 Appeals may be made under any of the following circumstances:
  - a) evidence of an error in procedures; or,
  - b) evidence that the breach was unsupported by the facts; or,
  - c) evidence that the penalty imposed was unduly harsh or lenient; or
  - d) new evidence that could not have reasonably been supplied earlier.
- 5.2 A written appeal with pertinent documentation may be submitted within five (5) business days of receipt of the written notification of the sanction to:
  - a) the Dean of Students (or designate) for non-academic matters unrelated to suspension or expulsion, or
  - b) the Office of the Associate Vice President Academic Excellence for academic matters and for all matters related to suspension or expulsion.

The submission must clearly outline the substance of the appeal, including relevant evidence where applicable, and must indicate the specific remedy sought.

- 5.3 Appeals shall be forwarded to the Chair of CAB. The Chair of CAB will review the submission and will make a decision to refuse to grant the request if it lacks merit or was filed in bad faith, or to hear the appeal. A hearing is not required to be held to review the request for appeal.
- 5.4 Should the Chair of CAB choose to dismiss the appeal, the party(s) shall be notified of the decision in writing within fifteen (15) business days of receiving the appeal. The decision will be final. Review of an appeal is not dependent upon receiving a response from any opposing party.
- 5.5 Should the Chair of CAB choose to hear the appeal, CAB may do so solely with the documentation received and the Secretary will fulfill the responsibilities as set out in this document. The Chair of CAB may grant a hearing of the appeal, or may grant a limited hearing for the purpose of hearing submissions regarding sanction only. The scheduled hearing:
  - a) will proceed regardless of the attendance of the student(s) requested to participate, and
  - b) may be cancelled and rescheduled by the Office of the Associate Vice President Academic Excellence due to unforeseen circumstances.

- 5.6 When hearing an appeal, CAB will consider all evidence gathered and related to the case, including information obtained from the party(s) and witness(s) and will make a decision to dismiss, set aside, vary or uphold the sanction or may impose any of the disciplinary sanctions set out in the College policies.
- 5.7 CAB will provide the decision in writing to the complainant and the respondent within five (5) business days of the hearing, with a copy to the Student Experience Office and other offices as appropriate (such as Enrolment Services). The decision of CAB will be final and will become effective immediately unless otherwise specified in the decision. No compensation will be made if a sanction is overturned.

## 6. Record Keeping

Records of student discipline will be kept secure in the Office of Academic Excellence for five (5) years.

## 7. Policy Ownership

Director (Student Life Enhancement Division)

## 8. Revision Log

Date	Summary of Changes
September 23, 2015	<ul style="list-style-type: none"> <li>• References to College Hearing Committee (CHC) and its function omitted throughout as this committee is no longer operational</li> <li>• Statement 3.1 – inclusion of statement pertaining to legal representation at hearings</li> </ul>
October 15, 2015	<ul style="list-style-type: none"> <li>• Statement 5.2 a) – inclusion of 'designate' to the Dean of Students pertaining to non-academic matters</li> <li>• Statement 5.2 b) – inclusion of 'all' matters related to suspension or expulsion</li> </ul>
March 10, 2017	<ul style="list-style-type: none"> <li>• Addition of 'Director of Student Life' in Statement 2.2.1</li> </ul>
May 17, 2017	<ul style="list-style-type: none"> <li>• Addition of support person in Statement 4.1</li> </ul>
April 26, 2018	<ul style="list-style-type: none"> <li>• Section 3.4 and 5.7 Student Relation Office changed to Student Experience Office to reflect change in name.</li> </ul>