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**Institutional Appeal Tribunal**

Procedure No.:	5104-PR3
Policy Reference:	5104
Category:	Education
Approving Body	Board of Governors
Executive Sponsor:	Vice President Academic
Department Responsible:	Education
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**1. Objectives**

This procedure applies to appeals of the President’s decision to suspend a student or to rescind a student’s credentials made under Policy 5102- Student Code of Conduct (Non-Academic) and Policy 5104 – Student Code of Academic Integrity. This procedure describes the processes for:

- Students requesting an appeal to be heard by the Board of Governors; and
- The administration and process for the Board of Governors’ appeal hearings.

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**3. Who This Procedure Applies To**

This procedure applies to BCIT students and the process for hearing appeals by the Board of Governors.

**4. Other Information**

Procedures associated with Policy 5102 and Policy 5104:

- 5102-PR1 –Procedures for Violations of the Student Code of Conduct Non-Academic
- 5104-PR1 – Procedures for Violations of the Code of Academic Integrity
- 5104-PR2 – Decision Review Board

**5. The Institutional Appeal Tribunal’s Mandate**

The Institutional Appeal Tribunal (Tribunal) is a panel of members of the Board of Governors appointed by the Chair of the Board of Governors who is responsible to hear student appeals of decisions to suspend or to rescind a credential made by the President.

Students may appeal a decision on one or more of the following grounds for appeal:

1. The decision-making process violated Institute policies or violated the principles of procedural fairness;
2. There is new evidence which was unavailable at the time of the decision was made that would likely have resulted in a different decision; or
3. The outcome imposed by the President was unreasonable.

## **6. Tribunal Membership**

The Chair of the Board of Governors will appointment a minimum of 3 and a maximum of 5 Governors to serve on the Appeal Tribunal Hearing Panel (Panel). The members of the Panel will select a member to serve as Chair for the Panel. All Panel members selected must not represent the interest of the same program of the student involved in the case.

## **7. Requesting an Institutional Tribunal Hearing**

If a student wishes to appeal a decision of the President they must submit an Institutional Appeal Tribunal Application Form to the Office of Student Life within 15 business days of the President's decision being made. The application must include the grounds for the appeal, all relevant documents and a list of any witnesses.

Students should fully state the basis for the appeal, the evidence to support their argument, and the desired outcome. Students are encouraged to obtain assistance from the Student Association Advocacy Office to file their appeals. The Office of Student Life will provide the Chair of the Board of Governors with the student's application. The Chair will review the application and decide if the application properly sets out the grounds for an appeal listed in section 5 of this procedure. If the Chair decides the grounds for appeal are not one of those listed in section 5, the Chair may dismiss the appeal and provide written reasons to the student.

If the Chair decides the Appeal may proceed, then the Chair will deliver a copy of the appeal and all supporting documents to the Office of the President. The Office of the President will have 30 business days to provide a written response to the appeal Chair which should fully state the basis for opposing the appeal, provide any documentary which will be relied upon at the hearing of the appeal and a list of any witnesses.

The Chair will provide a copy of the President's response to the appeal, and all supporting documents, to the student and the student may provide a written rebuttal submission to the Chair within 15 business days of receiving the President's response. The rebuttal will be provided to the Office of the President.

At any time the Chair may grant an extension to the President or the student, if in the opinion of the Chair, an extension should be provided.

The Office of Student Life will provide administrative support to the Chair.

## **8. Preparing for a Hearing**

After the student has been given an opportunity to provide a rebuttal submission, the Chair of the Board of Governors will inform the Panel in writing of the pending hearing and provide all

appeal materials delivered by the student and the President to the Committee. The Panel will choose a Chair and schedule a date for the hearing for no later than 30 business days after the Student has provided their rebuttal or the time for providing the rebuttal has expired. The Office of Student Life will provide administrative support to the Panel.

The Office of Student Life will in writing inform the student and the Office of the President as to the date of the hearing of the appeal.

The Office of Student Life will compile all materials being submitted by both the student and the President and create a hearing package which will be distributed to the student, the Office of the President, and all Panel members a minimum of 7 business days prior to the date of the hearing.

At any time prior to the hearing of an appeal a student may withdraw their request for an appeal.

## **9. Conducting a Hearing**

A hearing of the appeal will be conducted in a private room and will not be open to the public. The hearing will include the Chair of the Panel, the Panel members, the student, their Support Person, and a representative of the President. All witnesses will only enter at the time they are requested to present their information by the Chair of the Panel. A representative from the Office of Student Life will be present for administrative assistance.

Students are permitted to have a Support Person present at the hearing. The Support Person is not permitted to speak on behalf of the student unless previously approved by the Chair of the Panel.

The Chair of the Panel may conduct the hearing in a manner they deem most appropriate in all the circumstances and may follow the following procedure:

1. Opening remarks (if any the Chair determines are appropriate).
2. Review of time limits and format of hearing (as may be determined by the Chair).
3. Introduction of the hearing participants and clarification of each participant's role (Chair).
4. The student's opening statement and oral evidence and the oral evidence of each of the student's witnesses followed by questions to the student and the student's witnesses in the order determined by the Chair. The Chair may determine that questions should be asked through the Chair.
5. The opening statement of the President's representative and oral evidence of any witnesses followed by questions to those witnesses in the order determined by the Chair. The Chair may determine that questions should be asked through the Chair.
6. Closing arguments from the student.
7. Closing arguments of the President's representative.
8. Reply submission from the student related to issues raised by the President's representative and not already addressed in the student's closing argument.
9. Final questions by the Panel members to either the student or to the President's representative.
10. Hearing adjourned (Chair).
11. The Panel will then deliberate and make their decision.

## **10. Decision Making**

The Panel will make a decision based upon the evidence and materials provided in the appeal. The Chair will only vote in the event of a tie of Panel members. The Chair will write a decision report on behalf of the Panel. Within 7 business days, the Chair will provide a written decision of the Panel to the student, the President's representative, and the Office of Student Life for record keeping purposes.

The Tribunal Panel may choose one of the following outcomes:

- Dismiss the appeal
- Where the appeal is brought pursuant to section 5.1 and the appeal is successful, refer the matter back to the President so that the procedural error may be remedied as directed by the Panel and direct the President to reconsider their decision
- Where the appeal is brought pursuant to section 5.2 and the appeal is successful, refer the matter back to the President with the new evidence for the President to consider and make a new decision
- Where the appeal is brought pursuant to section 5.3 and the appeal is successful, the Panel may reverse or vary the President's decision or substitute its own decision

The decision of the Institutional Tribunal Panel is final.

If adjustments to the student's academic record are required, the Registrar and or Dean of the program will be informed to make the appropriate changes.

## **11. Retention of Documents**

All documents, associated with the investigation and any resulting discipline concerning a violation of the standards of conduct, will be retained within the Office of Student Life.

Information and records created under this policy are subject to the provisions of Policy 6700, Freedom of Information and Protection of Privacy.

## **12. Forms Associated with this Procedure**

Institutional Tribunal Appeal Application Form

## **13. Amendment History**

Policy 5002 was retired in January 2009, and this procedure 5104-PR3 is one of a series of policies and procedures created to replace it.

1. Created                      2009 Jan 27
2. Revision 1                 2019 May 28