
PARENT BYLAW: Bylaw #3 *Student Loss of Privileges, Penalties, Sanctions, and Appeals*
PARENT POLICY: Not Applicable

The following procedures are established to meet the requirements for implementing Aurora College Bylaw #3 *Student Loss of Privileges, Penalties, Sanctions, and Appeals*.

1 SCOPE

- 1.1 This procedure describes how student appeals of Aurora College penalties or sanctions for non-academic misconduct, including eviction from Aurora College student housing, are conducted.
- 1.2 A partner institution's appeal procedures may be followed, subject to the terms of the agreement between Aurora College and the partner institution.
- 1.3 Appeals of expulsion for non-academic misconduct and appeals of penalties or sanctions for academic misconduct or academic performance are not within the scope of this procedure.

2 GENERAL

- 2.1 Non-academic misconduct that may result in dismissal from a course, required learning activity, or program includes, but is not limited to: taking part in acts that endanger or threaten to endanger the health or safety of other students, staff, or others present on campus; subjecting fellow students, staff, or others to physical, mental, written, or verbal abuse; not abiding by College policies such as the attendance or health and safety policies; or possessing or consuming alcohol, illegal drugs, or other intoxicants in a College facility, on a College campus, or at College-sponsored or supported activities. (see Aurora College Bylaw #1 *Student Conduct*, subsection 2.5 and section 7 and the Definitions section of the Policy and Procedures Manual.)
- 2.2 Students are entitled to appeal the following non-academic matters:
 - a) Dismissal from a course or required learning activity
 - b) Dismissal from a program of study
 - c) Disciplinary action taken as a result of non-academic misconduct (e.g. being placed on probation)
 - d) Eviction from Aurora College student housing
- 2.3 The Admissions Officer will be the primary contact for appeal matters for his or her Campus/Campus Region, unless otherwise designated by the President.
- 2.4 A student who intends to make a Non-Academic Appeal will be entitled to continue to live in College housing and attend scheduled classes and related learning activities until the Appeal Panel makes its decision unless the student's presence presents a potential liability or safety risk to the student or others or disrupts the learning process of other members of the College community.

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- 2.5 Any decision to evict a student from College housing immediately or to exclude a student from classes or related learning activities pending the outcome of an appeal will be made by the appropriate Vice President in consultation with program staff.
 - 2.6 Students who are making an appeal and continuing to live in College housing and attending scheduled classes and related learning activities are expected to adhere to College bylaws, policies, and procedures.
 - 2.7 Decisions made by an Appeal Panel following the conduct of the Non-Academic Appeal Hearing are final and are not subject to further appeal.
 - 2.8 Matters discussed during hearings and documents related to appeals are confidential. Hearings are not open to the public.

3 ROLES AND RESPONSIBILITIES

- 3.1 **Administrative Support Person** – The Divisional Administrative Assistant for Community Programs, Community and Extensions at Aurora Campus, the Executive Assistant to the VP Community and Extensions, and the Executive Assistant to the VP Student Affairs are the positions designated by the College President to provide administrative support at each campus. They assist the Chairperson of the College Standing Appeals Committee (“the Committee”) as needed, typically by printing/copying and assembling appeal packages for hearings at their campuses; and giving the packages to the Admissions Officer for pick up by appeal participants.
- 3.2 **Admissions Officer** – The Admissions Officer at each campus serves as the primary point of communication and contact for the exchange of paperwork among the student, the Chairperson of the Committee, and the Appeal Panel. They ensure that a copy of the appeal decision goes into the student’s file and they maintain a confidential file of appeal hearing proceedings.
- 3.3 **Appeal Panel** – This is a three person panel, including the Chair, appointed by the Chairperson of the Committee from the members of the College Standing Appeals Committee. Panel members review the appeal documentation; listen to statements during the hearing; ask questions during the hearing; and meet afterwards to come to a decision.
- 3.4 **Appeal Panel Chair** – The Appeal Panel Chair books the room for the hearing; reviews the appeal documentation; informs the Chairperson of the Committee if there is any missing information; conducts the hearing; notifies the student and the Chairperson of the Committee of the Appeal Panel’s decision; and collects and returns all documentation to the Admissions Officer or the administrative support person.
- 3.5 **Chairperson, College Standing Appeals Committee** – The Chairperson of the College Standing Appeals Committee notifies relevant staff that an appeal has been requested; reviews the appeal application; notifies the student and relevant staff whether the appeal is

proceeding; appoints the Appeal Panel and its chair; schedules the hearing; ensures that all parties have the documentation and scheduling details they need to take part in the hearing; provides a copy of the appeal package and decision letter to the Admissions Officer for filing; and notifies relevant staff of the outcome of the appeal.

- 3.6 **Staff Member Directly Involved (“the staff member”)** – The instructor, senior instructor, program head, residence staff, director of a campus, etc. whose actions (dismissal, eviction, etc.) the student is appealing. He or she is responsible for submitting supporting documents to the Chairperson of the Committee; attending the appeal hearing; providing relevant information at the appeal hearing; answering questions from the appeal panel at the hearing; meeting the timelines outlined in this procedure; and informing their support person and witnesses, if applicable, of the time and location of the appeal hearing.
- 3.7 **Student** – The student making the appeal is responsible for completing and submitting an appeal application and supporting documents; revising his or her application, if necessary; attending the appeal hearing; providing relevant information at the appeal hearing; answering questions from the appeal panel at the hearing; dropping off and picking up paperwork from the Admissions Officer; meeting the deadlines outlined in this procedure; and informing their support person and witnesses, if applicable, of the time and location of the appeal hearing.
- 3.8 **Support Person** – A person who accompanies the student or the staff member to the appeal hearing to provide emotional support. The support person does not act as a legal or quasi-legal advisor. The student’s support person may provide relevant information on the student’s behalf if the student feels unable to speak for him or herself; however, the student is still expected to respond directly to questions asked by members of the Appeal Panel.
- 3.9 **Witness** – A person called by either the student or the staff member to speak to what happened. Each party may call a maximum of three witnesses. Witnesses are called into the hearing to make their statements and answer questions from the appeal panel members, and then they are excused.

4 INITIATION OF A NON-ACADEMIC APPEAL

- 4.1 The student receives a written notice of eviction, dismissal, or other disciplinary action for non-academic misconduct. (**Day 1¹**)

Note: Written notification will be deemed to have been received on the next Aurora College business day after the date on which the written notice was available for pick up or after the date on which the written notice was sent by email.

¹ Maximum time limits are provided for reference. If any steps are completed in less than the maximum time, then the subsequent timeline must be adjusted. See *Non-Academic Appeals Timeline*.

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- 4.2 In the written notice, students who want to make an appeal will be directed to go to the Admissions Officer or his or her delegate for more information and an appeal application.
- 4.3 The Admissions Officer will give the student an appeal application and recommend that the student go to the Student Success Coordinator or Counsellor for help with his or her appeal.
- 4.4 The student will complete the appeal application and include:
- a) all documents the student considers relevant to the appeal;
 - b) the name of the student's support person (if any); and
 - c) the names of any witnesses (maximum of three witnesses) the student intends to call, noting how they are relevant to the appeal.
- 4.5 The student will submit the completed appeal application and supporting documents to the Admissions Officer by the end of the third working day following the day on which the student received written notice of eviction, dismissal, or other disciplinary action for non-academic misconduct. **(Day 4)**
- 4.6 The Admissions Officer will immediately transmit the student's appeal application to the Chairperson of the College Standing Appeals Committee ("the Committee") and, if the student is appealing a program dismissal, will tell him or her if the student lives in College housing.
- 4.7 The Chairperson of the Committee will immediately inform the staff member, his or her supervisors², and the housing manager (if the student lives in College housing and is appealing a program dismissal) that an appeal has been requested. Notification will be limited to the name of the student, the student's program, and the type of appeal.
- 4.8 By the end of the second working day following the day on which the student submitted his or her appeal application, the Chairperson of the Committee will:
- a) review the student's appeal application to determine whether grounds for appeal have been clearly indicated; and
 - b) notify the student in writing that the appeal will proceed or that his or her appeal application does not provide grounds for appeal, as outlined in Bylaw #3 *Student Loss of Privileges, Penalties, Sanctions, and Appeals*. **(Day 6)**
- 4.9 If the student's application does not provide grounds for appeal, then the Chairperson of the Committee will state this in the letter to the student; recommend that the student go to the Counsellor or the Student Success Coordinator for help revising the appeal application; and inform the student that he or she has two (2) working days to revise and resubmit the appeal application to the Admissions Officer. **(Day 8)**

² Supervisors include the director of the campus (for housing related appeals), senior instructors, program heads, coordinators, etc. up to and including school chairs and regional program heads.

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- 4.10 If the revised application for appeal does not address the issues outlined in the letter then the Chairperson of the Committee will dismiss the appeal.
- 4.11 The Chairperson of the Committee will notify the student of the decision (the appeal will proceed or the appeal will not proceed) by the end of the first working day following receipt of the revised application. **(Day 9)**
- 4.12 On the same day that the student is notified, the Chairperson of the Committee will notify the staff member and the Admissions Officer of the decision. **(Day 6 or Day 9³)**
- 4.13 If the appeal is proceeding, the Chairperson of the Committee will inform the staff member, his or her supervisors, the Admissions Officer, and the housing manager (if the student lives in College housing and is appealing a program dismissal) that there will be an appeal, the name of the student, the student's program, and the type of appeal.
- 4.14 By the end of the first working day following notification that there will be an appeal, the staff member will provide any relevant information including documents and a list of witnesses (maximum of three witnesses), noting how they are relevant to the appeal, to the Chairperson of the Committee. **(Day 7 or Day 10)**

5 SCHEDULING THE APPEAL HEARING

- 5.1 By the end of the second working day following notification that an appeal will proceed the Chairperson of the Committee will:
- appoint an Appeal Panel in accordance with the requirements described in *Establishing the College Standing Appeals Committee and Appeal Panels - Procedure*;
 - schedule the appeal hearing (date and time); and
 - provide a copy of the Appeal Application, the student's supporting documents, and staff member's documents to the Appeal Panel Chair. **(Day 8 or Day 11)**
- 5.2 The appeal hearing will take place by the end of the third working day following the appointment of the Appeal Panel. **(Day 11 or Day 14)**
- 5.3 By the end of the first working day following the scheduling of the appeal hearing the Appeal Panel Chair will:
- find and book a suitable room for the appeal hearing;
 - inform the Chairperson of the Committee of the hearing location;
 - review the appeal documentation; and
 - inform the Chairperson of the Committee if any additional documentation will be needed for the hearing. **(Day 9 or Day 12)**
- 5.4 By the end of the second working day following the scheduling of the appeal hearing the Chairperson of the Committee will ensure that:

³ The first time limit applies if the student's original application provided grounds for appeal. The second time limit applies if the student's revised application provided grounds for appeal.

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- a) all participants have been notified in writing of the date, time, and location of the hearing;
 - b) the Appeal Panel Chair and participants who are calling in have the teleconference numbers;
 - c) any additional documentation requested by the Appeal Panel Chair has been added to the appeal packages; and
 - d) the appeal packages have been sent to or made available for pick up by the student, the staff member, and the appeal panel members. **(Day 10 or Day 13)**

When it is physically possible, the Chairperson of the Committee will either give the appeal packages to the student, staff member, and appeal panel members or give them to the Admissions Officer for pick up by the participants.

When it is not physically possible to deliver the appeal packages, the Chairperson of the Committee will send the appeal package electronically to the appropriate administrative support person(s) who will prepare the packages and either give them to the participants or give them to the Admissions Officer for pick up by the participants.

If any participant is not in a campus community, the Chairperson may send the appeal package to him or her electronically.

- 5.5 On the morning of the appeal hearing the Chairperson of the Committee will ensure that the Appeal Panel Chair has the names and locations of the participants who will be participating via teleconference. **(Day 11 or Day 14)**

6 CONDUCTING THE HEARING

- 6.1 The appeal hearing is a process internal to the College. Hearings are strictly confidential and not open to the public. Attendance will be restricted to those having a direct involvement in the hearing (i.e. the appealing student, the staff member, the support persons (if any), any witnesses, and the members of the Appeal Panel).
- 6.2 The staff member and the student are normally expected to present their own information to the Appeal Panel.
- 6.3 The student is entitled to bring one (1) support person to the hearing to provide emotional support. The student's support person may provide relevant information on the student's behalf if the student feels unable to speak for him or herself; however, the student is still expected to respond directly to questions asked by members of the Appeal Panel.
- 6.4 The staff member is entitled to bring one (1) support person to the hearing to provide emotional support. The staff member will present his or her information and respond to questions asked by members of the Appeal Panel.

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- 6.5 While appeal hearings are formal proceedings, they are not legal proceedings. Support persons are not present to act as legal or quasi-legal advisors; they are present to provide participants with emotional support.
 - 6.6 The hearing will begin within 15 minutes of the scheduled start time. All participants are expected to be present when the hearing begins.
 - 6.7 If the student fails to attend within this time period, the appeal will be dismissed. If the staff member fails to attend within this time period, the appeal will be granted. If the support persons or any witnesses fail to attend, the appeal will proceed in their absence. If the support persons or any witnesses are late, they will be permitted to join the hearing in progress.
 - 6.8 If any participant (the staff member, student who is making the appeal, and appeal panel members) in the hearing cannot be present due to weather, telecommunications problems, or other extenuating circumstances he or she will contact the Admissions Officer at the earliest possible time and advise him or her of the situation. The Admissions Officer will notify the Chairperson of the Committee who will ensure that the other participants involved in the appeal are notified. Following consultation with the participants involved in the appeal, the Chairperson of the Committee may establish an alternative hearing date, if he or she is satisfied that every effort was made to attend the hearing.
 - 6.9 The Appeal Panel Chair will introduce the participants at the beginning of the hearing and make sure that everyone is aware of the names and roles of all participants in the appeal process and the procedures to be followed during the hearing.
 - 6.10 The Appeal Panel Chair will instruct the participants that all information presented or questions asked during the appeal hearing will be directly relevant to the appeal. During the appeal hearing, the Appeal Panel Chair will rule any comments or information not directly relevant to the appeal as being of no consequence. Should this occur, such information cannot be considered by Panel members in making their decision on the appeal.
 - 6.11 The Appeal Panel Chair will remind everyone of the strict confidentiality of the hearing.
 - 6.12 Once the introductions are concluded, witnesses will be asked to wait outside the room until called upon. Witnesses will be invited in, one at a time. They will make their statements and answer questions. When they are finished, they will leave. The student, the support persons (if any), and the staff member will be present throughout the entire hearing.
 - 6.13 The Appeal Panel Chair will ask the student (or, if the student so wishes, the student's support person) to give his or her account of the events leading to the appeal. The student

may present witnesses. These witnesses may only be questioned by the Appeal Panel members.

- 6.14 After the student (or support person) has given his or her account, the staff member will be asked to give his or her account of the events leading to the appeal. The staff member may present witnesses. These witnesses may only be questioned by the Appeal Panel members.
- 6.15 After each party has given their account, and at the direction of the Appeal Panel Chair, the Appeal Panel members may seek further clarification on any issues relevant to the appeal. Questions may be directed to the student and/or the staff member.
- 6.16 The Appeal Panel Chair will give both the student and the staff member an opportunity to summarize their positions, with the student having the final word. The student is normally expected to present the summary; however, the student's support person may present the summary on the student's behalf. Only one person, the student or the support person, will present the summary.
- 6.17 When the Appeal Panel members indicate that they have no further questions, the Appeal Panel Chair will advise the student making the appeal that a written decision from the Appeal Panel will be available within one (1) working day (two [2] working days if there are extenuating circumstances that affect the panel's ability to reach a decision).
- 6.18 The student will specify, before the end of the appeal hearing how he or she wants to receive the panel's written decision:
- a) pick up at the Campus Admission Office; or
 - b) sent to the student's Aurora College email account if the student is not able to pick it up in person. (The decision may be sent to a personal email account only if the student does not have an Aurora College email account.)
- 6.19 At the close of the appeal process the Appeal Panel Chair will collect and return all copies of documentation related to the appeal to the Admissions Officer who will give them to the Chairperson of the Committee or their campus administrative support person. Participants who are not on campus for the hearing will return all documentation to the Admissions Officer or their campus administrative support person, as directed by the Chairperson of the Committee.
- 6.20 After the hearing has been concluded the Appeal Panel members will meet privately to discuss the particulars of the appeal and come to a decision. The Appeal Panel members will come to a decision immediately or within 24 hours if there are extenuating circumstances.

7 APPEAL PANEL DECISION NOTIFICATION

- 7.1 The Appeal Panel Chair will communicate all decisions in writing.

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- 7.2 The Appeal Panel Chair will notify the student in writing of the final decision by the end of the working day following the hearing (**Day 12 or Day 15**) (second working day if there are extenuating circumstances that affect the panel’s ability to reach a decision). The Appeal Panel Chair will send the notification in the manner chosen by the student at the hearing.
- 7.3 The Appeal Panel Chair will send a copy of the Appeal Panel’s decision and reasons for the decision to the Chairperson of the Committee.
- 7.4 All Appeal Panel members will respect the confidentiality of the appeal process and will not divulge the content of the hearing or the Panel’s deliberations or decision except as noted above.
- 7.5 The Chairperson of the Committee will send a copy of the decision letter to the appropriate Admissions Officer for placement in the student’s file, and will also notify the staff member, their supervisors, and the housing manager (if the student lives in College housing and was appealing a program dismissal).
- 7.6 The Chairperson of the Committee will ensure that one copy of the package (appeal application, supporting documentation from the student and the staff member, and the decision letter) is given to the Admissions Officer at the campus where the hearing took place for inclusion in the confidential file of hearing proceedings maintained on behalf of the Registrar’s office.
- 7.7 The Registrar is responsible for ensuring that a confidential file of hearing proceedings is maintained for each campus region.

8 APPEAL DECISIONS AND FOLLOW UP

- 8.1 Appeal Panel members may only consider the information presented during the hearing and any documentation distributed during the course of the appeal when making their decision on the appeal.
- 8.2 In making their decision on the appeal, Appeal Panel members will choose one of the following:
- a) to uphold the original decision; or
 - b) to reinstate a student without conditions; or
 - c) to reinstate a student with conditions.
- 8.3 The Appeal Panel will uphold the original decision when the Appeal Panel finds that there was no bias on the part of the staff member and that bylaws, policies and procedures were followed.
- 8.4 The Appeal Panel will reinstate a student without conditions if the Appeal Panel finds that there was bias on the part of the staff member or that bylaws, policies and procedures were

not followed, and where the Appeal Panel believes that the dismissal was unreasonable or that the decision to dismiss the student was not supported by the documentation.

- 8.5 The Appeal Panel will reinstate a student with conditions if the Appeal Panel finds that there was bias on the part of the staff member or that bylaws, policies and procedures were not followed and is also convinced by evidence of unsatisfactory behaviour on the part of the student. The Appeal Panel will set the terms and conditions under which the student is to be reinstated. The terms and conditions will be for a specified time period.
- a) The Appeal Panel will give the student, the staff member, and the Registrar a letter stating the terms and conditions. A copy of the letter will be placed in the student's file.
 - b) In cases where the Appeal Panel establishes conditions, the program manager in consultation with the instructor(s) or the director of the campus in consultation with the appropriate staff member(s) will determine whether the student has complied with the terms and conditions within the specified time period. If the student has complied with the conditions then the program manager or director of the campus will give the student, the staff member(s), and the Registrar a letter stating that the student is now in good standing. A copy of the letter will be placed in the student's file.
 - c) If the program manager in consultation with the instructor(s) or the director of the campus in consultation the appropriate staff member(s) determines that the student has not complied with all the terms and conditions established by the Appeal Panel, then the program manager or the director of the campus will give the student, instructor(s), and the Registrar a letter stating that the student has been dismissed from the course or program or evicted from residence, as the case may be. A copy of the letter will be placed in the student's file.

9 PREPARING APPEAL DECISION CORRESPONDENCE

- 9.1 All Non-Academic Appeal decision letters will include statements that:
- a) Indicate the date, location and time of the appeal hearing;
 - b) Describe the decision reached by the Appeal Panel;
 - c) Provide the reasons for the Panel's decision based on the Panel's authority, documentation, and statements made during the appeal; and
 - d) Describe further actions, if any, required by the student.
- 9.2 Letters related to course dismissal when the Appeal Panel has decided to confirm the dismissal should also include statements that:
- a) Confirm the decision to deny the student's appeal; and
 - b) Specify the date when the student may apply to re-register in the course.
- 9.3 Letters related to course dismissal when the Appeal Panel has decided to reinstate the student should also include statements that:
- a) Confirm the student's reinstatement;

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- b) Describe any terms and conditions under which the student is being reinstated;
 - c) Outline the dates (time period) during which the terms and conditions will apply;
 - d) Describe what will happen if the student does not meet those terms and conditions; and
 - e) Identify the College staff member responsible for determining whether the student has successfully met the terms and conditions established by the Appeal Panel.
- 9.4 Letters related to dismissal from a program or from the college when the Appeal Panel has decided to confirm the dismissal should also include statements that:
- a) Confirm the decision to deny the student’s appeal;
 - b) Specify the date by which the student will vacate his or her Aurora College student accommodations unit in accordance with College policy; and
 - c) Specify the date when the student may reapply for admission to Aurora College.
- 9.5 Letters related to dismissal from a program or from the college when the Appeal Panel has decided to reinstate the student should also include statements that:
- a) Confirm the student’s reinstatement;
 - b) Describe any terms and conditions under which the student is being reinstated;
 - c) Outline the dates (time period) during which the terms and conditions will apply;
 - d) Identify the College staff member responsible for determining whether the terms and conditions have been met; and
 - e) Describe what will happen if the student does not meet the terms and conditions of his or her reinstatement.
- 9.6 Letters related to eviction from Aurora College student housing when the Appeal Panel has decided to confirm the eviction should also include statements that:
- a) Confirm the decision to deny the student’s appeal;
 - b) Specify the date by which the student will vacate his or her Aurora College student housing unit; and
 - c) Specify the date when the student may reapply for Aurora College student housing.
- 9.7 Letters related to eviction from Aurora College student housing when the Appeal Panel has decided to reinstate the student should also include statements that:
- a) Confirm the student’s reinstatement;
 - b) Describe any terms and conditions under which the student is being reinstated;
 - c) Outline the dates (time period) during which the terms and conditions will apply;
 - d) Identify the College staff member responsible for determining whether the student has successfully met the terms and conditions established by the Appeal Panel; and
 - e) Describe what will happen if the student does not meet those terms and conditions.

RELATED POLICIES:

D.05 *Student Accommodation*

RELATED PROCEDURES:

Establishing the College Standing Appeals Committee and Appeal Panels - Procedure



FACT SHEET

DATES:

2016-04-29

Procedure drafted from old policy D.01 *Student Appeals*
Recommended for approval by Policy Working Committee
Approved by President:
Implemented: July 1, 2016

APPROVED

PRESIDENT: _____

DATE: June 15, 2016