



COLLEGE OF THE NORTH ATLANTIC

GOVERNANCE POLICY

TOPIC: BOARD OPERATIONS

TITLE: LEARNER APPEALS

Policy No.	GP-BO-209	Supersedes	N/A
Related Policy	N/A	Effective Date:	October 28, 2011

- 209.1 Each learner shall not fail to be provided with the opportunity to appeal issues to the Board for a decision to hear the appeal when the appellant determines that there is additional information which could influence the decision, where external appeals processes are available and other processes are exhausted.
- 209.2 All appeals commenced under this policy shall not fail to be made only in writing to the Chairperson, via the office of the president, stating the issue, the new relevant details, and those issues believed to be in question concerning a decision.
- 209.3 Where the Board determines it is appropriate to hear the appeal, the person who is bringing the appeal shall present the case as per the process outlined in these governance policies, and may be accompanied by a representative.
- 209.4 The Chair shall not fail to follow the appeals process outlined below, decide on all questions of order and procedure subject to the appeal, preserve the order and decorum of the meeting, the effective use of time, and ensure that fair and equitable processes have led to acceptable conclusions.
- 209.5 The Board shall not fail to confirm the President's decision, modify the type or duration of the action, or overrule the decision of the President where the decision contravened the Board's policies.
- 209.6 The Chair shall not fail to communicate in writing only the Board's decision to the complainant.

APPEALS HEARING PROCESS

209.7 The process shall not fail to proceed as follows:

- 1) The Board Chair shall introduce the participants, identify the spokesperson, and outline the procedures to be followed.
- 2) Any person who is expected by either party to act as a witness shall not be in the hearing room until after evidence has been completed.
- 3) The complainant or the spokesperson, where one is designated, shall identify the issues from his/her perspective and outline new facts relevant to the appeal.
- 4) The spokesperson for the complainant shall not be an employee of the College.
- 5) The President, or his/her spokesperson, shall have the same opportunity to identify the issues from his/her perspective and outline new facts relevant to the appeal, and have only one spokesperson.
- 6) The complainant and President, or their spokespersons, if designated, shall direct all questions through the Chair.
- 7) The complainant or the spokesperson, where one is designated, shall have the opportunity to respond to or ask questions of the President on his/her presentation.
- 8) The President or the spokesperson, where one is designated, shall have the opportunity to respond to or ask questions of the complainant on his/her presentation.
- 9) The Chair shall call in the complainant's witnesses individually to be interviewed based on the evidence provided.
- 10) The Chair may call in the respondent's witnesses individually, to be interviewed, based on the evidence provided.
- 11) The complainant or the spokesperson, where one is designated, shall have the opportunity to ask questions of the witnesses through the Chair.
- 12) The President or the spokesperson, where one is designated, shall have the opportunity to ask questions of the witnesses through the Chair.
- 13) The Board or designated committee of three Board members may ask questions of the complainant, the President and/or the witnesses.

- 14) The Chair shall invite the complainant and the President or their spokespersons to provide closing remarks.
- 15) The Chair shall ask the spokesperson, complainant, President, and witnesses to leave the room.
- 16) The Board (ad hoc Board Committee) shall then deliberate in private.
- 17) The Chair shall submit a written decision and his/her decision is final.

Approved by: Board of Governors, BM 06-11-06
Date: October 28, 2011