



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:	November 25, 2020

- 209.1 Each learner shall be provided with the opportunity to appeal a non-academic decision to the Board when the appellant demonstrates 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 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, unless there are extenuating circumstances requiring the representative to complete the presentation, as per the process outlined in these governance policies.
- 209.4 The Chair shall 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 confirm the President's decision, modify the type or duration of the action based on the President's decision, or overrule the President's decision where the decision contravenes the Board's policies.
- 209.6 The Chair shall communicate in writing to the complainant only the Board's decision.

APPEALS HEARING PROCESS

209.7 The process shall proceed as follows:

- 209.7.1. The Chair of the appeals process shall introduce the participants, identify the representative, and outline the procedures to be followed.
- 209.7.2. 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.
- 209.7.3. The complainant or the representative, where one is designated, shall identify the issues from his/her perspective and outline new facts relevant to the appeal.
- 209.7.4. The representative for the complainant shall not be an employee of the College.
- 209.7.5. The President, or his/her representative, 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 representative.
- 209.7.6. The complainant and President, or their representatives, if designated, shall direct all questions through the Chair.
- 209.7.7. The complainant or the representative, where one is designated, shall have the opportunity to respond to or ask questions of the President on his/her presentation.
- 209.7.8. The President or the representative, where one is designated, shall have the opportunity to respond to or ask questions of the complainant on his/her presentation.
- 209.7.9. The Chair shall call in the complainant's witnesses individually to be questioned based on the evidence provided.
- 209.7.10. The Chair may call in the respondent's witnesses individually, to be questioned, based on the evidence provided.
- 209.7.11. The complainant or the representative, where one is designated, shall have the opportunity to ask questions of the witnesses through the Chair.

- 209.7.12. The President or the representative, where one is designated, shall have the opportunity to ask questions of the witnesses through the Chair.
- 209.7.13. The Board or designated committee of at least three Board members may ask questions of the complainant, the President and/or the witnesses.
- 209.7.14. The Chair shall invite the complainant and the President or their representatives to provide closing remarks.
- 209.7.15. The Chair shall ask the representative, complainant, President, and witnesses to leave the room.
- 209.7.16. The Board or designated Board Committee shall then deliberate in private.
- 209.7.17. The Chair shall submit a written decision and his/her decision is final.

	Approved (Board Minute)	Date
Original Policy	BM 06-11-06	October 28, 2011
Revised	BM 02-14-02	March 24, 2014
Revised	BM 06020-9	November 25, 2020