

Approval Authority: Board of Governors

Last Approved: April 19, 2013

Administrative Responsibility: President

Next Review: 2024-2025

COLLEGE AND INSTITUTE ACT

Section 37, Suspension of Staff Members or Students:

- (1) For just cause, the president of an institution may suspend a member of the instructional, administrative or other staff or an employee of the institution.
- (2) For just cause, the president of an institution may suspend a student of the institution and deal summarily with a matter of student discipline.
- (3) On exercise of a power of suspension under this section, the president must immediately report the action to the board with a statement of the reasons.
- (4) A person suspended under this section has the right of appeal to the board.

POLICY

A. APPEALS TO THE BOARD

This policy applies to the Board when dealing with suspension appeals under Section 37 of the College and Institute Act. The Board may also choose to use the same process when dealing with a termination appeal by an exempt employee.

1. The President shall provide written notification to any person suspended pursuant to Section 37 of the College and Institute Act, of his or her right to appeal to the Board under the Act.
2. Any person who is suspended and who wishes to appeal to the Board must do so in writing within 10 working days of the suspension decision, or in the case of NVIT employees under a Collective Agreement, within 10 working days of the completion of relevant processes specified in the Collective Agreement.
3. The only grounds for appeal are:
 - a. Due process was not followed, i.e., a flaw occurred in due process or procedures in the determination to suspend,
 - b. Important new evidence, missing or not available at the time of the President's decision to suspend, that may have affected the decision,
 - c. The decision was inconsistent with the principles of natural justice.
4. The Board Executive Committee (authorized to act on behalf of the Board through Section 59(5)(a) of the College and Institute Act and the Board's policy on Board Committees) will hear the appeal and

the appellant will attend the hearing. The hearing will be held in camera and the principles of natural justice will apply.

5. All submissions and decisions must be presented in writing.
6. The Board Executive Committee will issue its decision on behalf of the Board.

End of document