



## SENATE REGULAR MEETING

Tuesday, August 20, 2024 4:00 – 6:00 pm  
Capilano University – Library Room 322

### AGENDA

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#### **Land Acknowledgement**

Capilano University is named after Chief Joe Capilano, an important leader of the Skwxwú7mesh (Squamish) Nation of the Coast Salish Peoples. We respectfully acknowledge that our campuses are located on the territories of the Lílwat, xʷməθkʷəy̓əm (Musqueam), shíshálh (Sechelt), Skwxwú7mesh (Squamish) and Səlílwataʔ/Selilwitulh (Tseil-Waututh) Nations.

1. **Welcome**
2. **Approval of the Agenda - Decision** Senate Members
3. **Approval of Minutes - Decision** Senate Members  
Schedule 3
4. **Correspondence Received**
5. **Business Arising**
  - 5.1 Self-Evaluation Committee - *Information* Christina Neigel
  - 5.2 Senate Subcommittee Vacancies – *Information* Kyle Vuorinen  
Schedule 5.2
6. **New Business**
  - 6.1 Revision to 2025 Convocation Dates - *Information* Kyle Vuorinen  
Schedule 6.1
7. **Committee Reports**
  - 7.1 Academic Planning and Program Review Committee – *Information* Alaa Al-Musalli
  - 7.2 Bylaw, Policy and Procedure Committee – *Decision*
    - 7.2.1 B.109 Student Appeals Policy  
B.109.1 Student Appeals Procedure  
Student Appeals Policy and Procedure – Current For Reference  
Corey Muench  
Schedule 7.2.1
    - 7.2.2 Designate for Vice President Academic and Provost on  
Senate Curriculum Committee (SCC) and Senate Academic  
Planning and Program Review Committee (SAPPRC)  
Schedule 7.2.2



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- 7.3 Curriculum Committee – *Decision*
  - 7.3.1 Resolution Memo Deb Jamison  
[June 14 Agenda Package](#) / [June 14 Draft Minutes](#) Schedule 7.3.1
- 7.4 Teaching and Learning Committee – *Information* Diana Twiss
- 7.5 Budget Advisory Committee – *Information* Michael Thoma
- 8. Other Reports**
  - 8.1 Chair of Senate – *Information* Paul Dangerfield
  - 8.2 Vice Chair of Senate – *Information* Deb Jamison
  - 8.3 VP Academic and Provost – *Information* Tracy Penny Light
  - 8.4 Board Report – *Information*
  - 8.5 Elder Report - *Information* Elder Latash
- 9. Discussion Items**
- 10. Other Business**
- 11. Information Items**



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Tuesday, June 4, 2024 4:00 pm  
 Capilano University, Library Building, Room LB 322

### MINUTES

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**Present:** Paul Dangerfield (Chair), Deanna Baxter, John Brouwer, Sue Dritmanis, Thomas Flower, Brian Ganter, Denise Gingrich, Kyle Guay, Patricia Heintzman, Deb Jamison, Laura Kinderman, Tracy Penny Light, Brad Martin, Priya McMurtrie, Alysha Monk, Corey Muench, Alaa Al-Musalli, Christina Neigel, Ramin Shadmehr, Amanjot Singh, Sarang Deep Singh, Laureen Styles, Natasha Mrkic-Subotic, Michael Thoma, Diana Twiss, Kyle Vuorinen, Stephen Williams, Emily Walmsley, Recorder: Mary Jukich

**Regrets:** Victor Gelano, Lesley Nelson

**Guests:** Louise Allison, Elder Latash, Elder Delhia

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#### **1. Welcome**

The Chair called the meeting to order at 4:00 pm.

In the absence of Victor Gelano, John Brouwer assumed voting rights for the Faculty of Global and Community Studies.

#### **2. Approval of the Agenda**

*Laureen Styles moved and Brian Ganter seconded:*

To adopt the agenda.

**CARRIED**

#### **3. Approval of the Minutes**

*Paul Dangerfield moved and Stephen Williams seconded:*

To adopt the May 14, 2024 minutes.

**CARRIED**

#### **4. Correspondence Received**

No correspondence was received.

#### **5. Business Arising**

##### **5.1 Self-Evaluation Committee**

*Presented by: Christina Neigel*



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For this year, Senate subcommittee members were asked to complete a survey for each subcommittee in which they served. Surveys were available April 2 to April 12<sup>th</sup>, 2024 and members of subcommittees were emailed directly with a link to their respective committee survey(s). Questions were the same for all surveys.

Based on the results of the surveys, the following four recommendations were presented:

- Provide orientations to Senate sub-committees to familiarize members to mandates, operational processes (including document management), and address questions.
- Develop an orientation for Senate sub-committee *chairs* that includes discussion around the scope of sub-committee responsibilities, resources/supports available, documentation management processes (deadlines, templates, reports, etc.), and timelines.
- Self-evaluation committee in conjunction with the Chair, Vice Chair and sub-committee chairs, explore the possibility of developing regular committee check-ins to provide ongoing feedback on sub-committee operations and address emergent issues that could include membership, resource needs, engagement, leadership, etc.
- All members of Senate to continue to encourage their colleagues to participate in self-evaluation assessments to enable the Self-Evaluation sub-committee opportunities to refine its tools and provide meaningful feedback to Senate.

#### 5.2 Senate Subcommittee Vacancies

*Presented by: Kyle Vuorinen*

Senators were encouraged to volunteer to serve on the remaining vacancies on the Senate subcommittees. A call for volunteers will also be put out to the campus community.

#### 6. New Business

##### 6.1 Graduates

*Presented by: Kyle Vuorinen*



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The Registrar submitted a list of 10 additional graduates, verified by the Registrar's Office, who have met the graduation requirements of their programs.

*Kyle Vuorinen moved and Laureen Styles seconded:*

**24/13** Senate approve the students from the five Faculties for their respective credentials for graduation. **CARRIED**

The Registrar noted that recent discussions with other post-secondary institutions indicated that Capilano follows the same practice as other institutions wherein the list of graduates is not included in the agenda package but the lists are made available on the day of the Senate meeting.

#### 6.2 Senate Orientation

*Presented by: Paul Dangerfield*

For this year, the August 20 Senate meeting will be a regular business meeting, and to ensure full attendance by students and new Senators, the orientation will take place at the September 3 Senate meeting.

The orientation will follow the format that has evolved over the last few years and recognizing ways to further support new, and returning, Senators, the following additional resources will be available:

- The Chair and Vice Chair will arrive approximately 30 minutes prior to Senate meetings to be available to answer any questions.
- Returning Senators are encouraged to partner up with the other Senators from their faculty and support their new Senate colleagues.
- Both the Chair and Vice Chair are available as resource members and as a "go-to-person" for matters relating to Senate.
- An ongoing list of FAQs will be developed.



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#### 7. Committee Reports

##### 7.1 Academic Planning and Program Review Committee

*Presented by: Sue Dritmanis*

The committee met on May 21 and reviewed the concept paper for the Diploma in Contemporary Musicianship. This is a two-year diploma for students coming directly from high school and wishing to pursue a career as a professional musician. The committee determined that there was information still required and accordingly the concept paper was sent back to the department for additional work.

The committee was also informed that the decision was made by the School of Public Administration to discontinue the submission of the Masters Concept Paper to the AIP Office.

##### 7.2 Bylaw, Policy and Procedure Committee

*Presented by: Corey Muench*

The committee met on May 28 and reviewed suggested changes to the Graduate Studies Final Project/Capstone/Thesis Policy and the Graduate Supervision Policy and both policies were approved and will be brought to Senate in the fall.

The committee also considered, and approved, a proposal to allow a change in the terms of reference for the Curriculum Committee and the Academic Planning and Program Review Committee such that a designate attendee would be able to attend in place of the Vice President, Academic and Provost as at times it may be difficult for the VPA to attend all meetings.

At the June 11 meeting, the committee will be reviewing the Student Appeals Policy and Procedure and the Faculty of Business and Professional Studies Bylaws.

##### 7.2.1 President and Vice-Chancellor Search Process

Senate members were presented with the President and Vice-Chancellor Search Process. It was noted that under Section 27(2)(f) of the *University Act* the Board has the power, "with the approval of the senate, to establish procedures for the recommendation and selection of candidates for president...".



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On review and discussion, clarification was requested around the re-appointment process, if it was an internal Board of Governors decision and if there could be a broader consultation. It was noted that re-appointment was not a search process and additional information can be provided at a later date. (Note: although the re-appointment process was part of the original draft document of the President and Vice-Chancellor Search Process, it was decided at the May 14 Senate Bylaw, Policy, and Procedure Committee (SBPPC) that the re-appointment process section would be removed from the document since the overall focus of the document was the search for a new President and Vice-Chancellor. At that time, a request was made by SBPPC that further information be brought forward regarding broader consultation in the University Community regarding the Presidential re-appointment process.

*Corey Muench moved and Laureen Styles seconded:*

**24/14** That the Senate approve the proposed 2024 President and Vice-Chancellor Search Process. **CARRIED**

### 7.3 Curriculum Committee

*Presented by: Deb Jamison*

#### 7.3.1 Resolution Memorandum

The resolutions brought forward from the May 17, 2024 Senate Curriculum Committee meeting were presented to Senate for approval.

*Deb Jamison moved and Laureen seconded:*

**24/15** Senate approve Resolutions 24/38 to 24/46. **CARRIED**

### 7.4 Teaching and Learning Committee

*Presented by: Diana Twiss*

The committee met on May 21, and Diana Twiss was elected as chair. At the committee meeting, Magdalena Mot, Senior Manager, Work Integrated Learning provided a presentation on the work integrated learning committee (WIL) and



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requested that a representative from the Teaching and Learning committee serve on WIL.

At the committee meeting, Brit Paris led a session on the review of the institutional learning outcomes and requested the committee members to reflect on what was working and what may need to change. In terms of next steps, the learning outcomes will also be emailed to the committee members for additional feedback.

The committee also received reports from the Director, Teaching and Learning, Creative Activity, Research, Scholarship and Graduate Studies (CARS) and the Director, Indigenous Education and Affairs (IEA).

#### 7.5 Budget Advisory Committee

*Presented by: Michael Thoma*

The next committee meeting is scheduled for June 11, 2024 and the committee will be reviewing the integrating planning and highlights from the final fiscal.

### 8. Other Reports

#### 8.1 Senate Chair

Paul Dangerfield provided the Chair's report, including the following highlights:

- In conjunction with the recent launch of the People Plan, the human resources department has been officially renamed People, Culture & Diversity (PCD).
- As part of the values and goals of envisioning 2030 and illuminating 2030, the University has recently indicated its commitment to the environment and sustainability through membership with the Association of the Advancement of Sustainability and Higher Education. The Association has a process of tracking progress, and the University has applied to the Association to begin the process. The University completed the baseline assessment over the spring and gathered data on everything already in place including work with the Howe Sound Biosphere, as well as work through City Studio. In addition, there are approximately 90 sustainability courses at the University dedicated to sustainability along with the new Bachelor of Environment and Society.





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- June is Pride month and Senate members were encouraged to participate in the various events on campus.
- June is also Indigenous Heritage month and events are posted on Frontlines.
- Convocation will take place June 5 to June 7 and Senate members were encouraged to participate in the ceremonies.

#### 8.2 Vice Chair

Sue Dritmanis provided the Vice Chair report, including the following highlights:

- A memo to Senate committee chairs will go out this week regarding the setting up of a schedule that would see each committee bring its new or revised Terms of Reference to the Bylaw, Policy and Procedure committee for review, and then to Senate for approval. Two or three Senate committee chairs will be requested to volunteer to do this over the Fall/Spring term 2025/2025, so that the Terms of Reference can roll out gradually over the next couple of years. In addition, a Terms of Reference template will be maintained for any ad hoc committees that might be struck in future, since it is good practice for a committee (even a short-term one) to understand its scope and purpose.
- The Vice Chair acknowledged the support, during her term on Senate, provided by Stephen Williams, Corey Muench, Mary Jukich, Deb Jamison, Michael Thoma, Laureen Styles and Aurelea Mahood. The Vice Chair also indicated appreciation for the experience and that being on Senate is a chance to drive academic decision-making, connect with the university at large, and connect on a personal and individual level.

#### 8.3 VP Academic and Provost

Laureen Styles provided the Vice President Academic and Provost report, including the following highlights:

- Brit Paris, Director, Teaching and Learning and Claire Carolan, Director, Academic Planning & Quality Assurance will lead the institutional learning outcomes update. It is anticipated that both the Academic Planning and



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Program Review committee and Curriculum committee will be involved in this work.

- Senate members were reminded of the events taking place at campus to celebrate Indigenous Heritage month.
- In relation to the activity in Squamish, it is anticipated that as practices evolve with the opening of the campus there will be additional components with the Registrar's office that support process at SCC including more refinement of work around modes of delivery. New programs will be rolling out with January intakes, and everyone involved in this work was appreciated.
- Senators were encouraged to attend the presentation of candidates for dean of Global and Community Studies.

#### 8.4 Board Report

*Presented by: Patricia Heintzman*

A board report was not provided because the Board has not met since the last Senate meeting.

#### 8.5 Elder Report

Elder Latash reflected on the recent addition of the photograph of Chief Joe Capilano at the University and noted these types of changes will continue to attract Indigenous students to Capilano. Elder Latash reflected on the life of Chief Joe Capilano and some of his work and achievements.

#### 9. Discussion Items

No discussion items were presented.

#### 10. Other Business

The following outgoing Senators were acknowledged for their work and contributions at Senate:

- Sue Dritmanis
- Deanna Baxter



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- Stephen Williams
- Kyle Guay
- Lesley Nelson
- Alysha Monk
- Laureen Styles
- Patricia Heintzman
- Natasha Mrkic-Subotic

Tracy Penny Light was introduced as the new interim Vice President Academic and Provost, effective August 5.

#### **11. Information Items**

No information items were presented.

The meeting was adjourned at 5:22 pm.

**Next Meeting: Tuesday, August 20, 2024**

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**CAPILANO**  
UNIVERSITY  
**SENATE SUBCOMMITTEES**  
**August 2024 – June 2025**

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**Academic Planning and Program Review Committee**

Membership: Senators and non-Senators – Quorum = 8

Meetings: 2<sup>nd</sup> Tuesday of the Month - 4:00 - 6:00 pm

<b>(Voting)</b>	
Chair of Senate	Paul Dangerfield
Vice-Chair of Senate	Deb Jamison
VP Academic & Provost	Laureen Styles
Dean	Brad Martin
Faculty	Brian Ganter
Faculty	Alaa Al-Musalli (Chair)
Faculty	Jane Ince
Faculty	Lauren Moffatt
Faculty	Stephen Williams
Faculty	Jennifer Nesselroad
Faculty	John Brouwer
Faculty*	
Staff	Carley Dyer
Staff	Vacant
Student	Priya McMurtrie
Student	Panveer Grewal
<b>(Non-Voting) Resource Members</b>	
Administrator	Francisco Silva
Administrator	Claire Carolan
Administrator	Francisco Nogueira

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\*One additional faculty member will be added if the Vice-Chair of Senate is not a faculty member.



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**Budget Advisory Committee**

Membership: Senators – Quorum = 4

Meetings: Schedule is determined at first meeting

<b>(Voting)</b>	
Vice-Chair of Senate	Deb Jamison
Administrator	Laura Kinderman
Administrator	Brad Martin
Faculty	Michael Thoma
Faculty	Denise Gingrich
Faculty	Victor Gelano
Faculty*	
Staff	Vacant
Student	Vacant
<b>Ex-Officio Member (Non-Voting)</b>	
President	Paul Dangerfield
VP Finance and Administration	Tally Bains
	Toran Savjord
Director, Financial Operations	Holly Hunter
Director, Financial Planning and Analysis	Narisha Jessani

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**CAPILANO**  
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**By-law, Policy and Procedure Committee**

Membership: Senators and non-Senators – Quorum = 4

Meetings: 2<sup>nd</sup> and 4<sup>th</sup> Tuesday of the month – 1:00 – 2:30 pm.

<b>(Voting)</b>	
Chair of Senate	Paul Dangerfield
Vice-Chair of Senate	Deb Jamison
Administrator	Caroline Depatie
Faculty	Corey Muench
Faculty	Susan Gardner
Faculty	Vacant
Faculty*	
Staff	Trula Fontaine
Student	Vacant
<b>(Non-Voting) Resource Members</b>	
Administrator	Jordan Lovig
Director, Risk Management	Jacquetta Goy

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**CAPILANO**  
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**Teaching and Learning Committee**

Membership: Senators and non-Senators – Quorum = 6

Meetings: 3<sup>rd</sup> Tuesday of the month – 1:00 – 3:00 pm

<b>(Voting)</b>	
Chair of Senate	Paul Dangerfield
Vice-Chair of Senate	Deb Jamison
Administrator	Laura Kinderman
Faculty	Diana Twiss
Faculty	Lily Yen
Faculty	Vacant
Faculty	Christine Jackson
Faculty	Blake Rowsell
Faculty*	
Librarian	Krystyna Nowak
Staff	Brendan Carrigan
Student	Panveer Grewal
<b>(Non-Voting)</b>	
Administrator, Centre for Teaching Excellence (CTE)	Brit Paris
Administrator, Information Technology (IT)	Chris Jacques
Administrator, Creative Activity, Research and Scholarship (CARS)	Dawn Whitworth
Executive Member, Capilano Student Union	Vacant
Administrator, Indigenous Education and Affairs	Miranda Huron

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**CAPILANO**  
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**Vice-Chair Nominating Committee**

Membership: Senators – Quorum = 3

Meetings: One or two meetings between March and April

Administrator	Christina Neigel
Faculty	Vacant
Faculty	Vacant
Staff	Vacant
Student	Vacant

**Self-Evaluation Committee**

Membership: Senators – Quorum = 4

Meetings: TBD

Administrator	Christina Neigel
Faculty	Deb Jamison
Faculty	Diana Twiss
Faculty	Vacant
Staff	Vacant
Student	Vacant

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**Tributes Committee**

Membership: Senators – Quorum = 4

Meetings: Schedule is determined at first meeting

<b>(Voting)</b>	
Chair of Senate	Paul Dangerfield
Vice-Chair of Senate	Deb Jamison
Administrator	Christina Neigel
Faculty	Corey Muench
Faculty	Vacant
Faculty	Vacant
Faculty*	
Staff	Vacant
Student	Vacant
<b>Ex-Officio Member (Non-voting)</b>	
Vice President, University Relations	Kari Wharton
Director, Philanthropy Alumni Relations	Cary Gaymond

**Naming Opportunities Committee**

Membership: Senators – Quorum = 4

Meetings: As and When

<b>(Voting)</b>	
Chair of Senate	Paul Dangerfield
Vice-Chair of Senate	Deb Jamison
Administrator	Ramin Shadmehr
Faculty	Corey Muench
Faculty	Vacant
Faculty	Vacant
Faculty*	
Staff	Vacant
Student	Vacant
<b>Ex-Officio Member (Non-Voting)</b>	
Executive Director, Advancement	Vacant

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**Curriculum Committee (Senators and non-Senators)**

Quorum = 10 including Chair

<b>DAC Recommends to Senate (2 Year Term)</b>	
<b>(Voting)</b>	
Humanities	Cass Picken
Social Sciences	Sarah Yercich
Science, Technology, Engineering and Mathematics	Urmila Jangra
Motion Picture Arts	David Geary
Design	Dominique Walker
Performing Arts	Daniel Hersog
Business, International Programs, Projects and Partnerships	Danielle Wilson
Business, Legal Studies, Communications	Deb Jamison
Tourism and Outdoor Recreation Management	Mohna Baichoo
Education, Health and Human Development	Julia Black
Global Stewardship, Public Administration & Kinesiology	Caroline Soo
Access and Academic Preparation	Maggie Reagh
Library	Bethany Paul
Student Services	Chloe Miller
<b>Students (1 Year Term)</b>	Alisha Samnani
	Amisha Maini
	Laura Padilla
Administrator	Aurelea Mahood
Dean	Graham Cook
Dean	Ramin Shadmehr
Dean	Caroline Depatie
Registrar	Kyle Vuorinen
One Academic Advisor	Shahnaz Darayan
Director of Continuing Studies	Vacant
Chair or Vice-Chair of Senate	Paul Dangerfield / Deb Jamison
<b>(Non-voting)</b>	
Chair	Deb Jamison

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# MEMO

**To:** Paul Dangerfield, Senate Chair and President

**From:** Kyle Vuorinen, Registrar

**Subject:** Convocation Dates for 2025

**Date:** June 21, 2024

**cc:**

## CONVOCATION DATES FOR 2025

The Manager of Events & Ceremonies, after consultation with the University's executive, has requested changes to the dates for convocation for the 2025 calendar year.

Convocation ceremonies that were initially scheduled for June 4<sup>th</sup>, 5<sup>th</sup> and 6<sup>th</sup> are being rescheduled to:

- Tuesday, June 10, 2025
- Wednesday, June 11, 2025
- Thursday, June 12, 2025

This change will allow all teams who are involved in preparing for convocation crucial time to ensure the event is as successful as possible. The dates will be updates on the 2024/25 academic schedule after Senate receives this information.

*I ask that Senate accept these changes to the 2025 convocation dates as information.*

## SENATE REPORT

<b>AGENDA ITEM:</b>	<b>Student Appeals Policy and Procedure (B.109 and B109.1)</b>
<b>PURPOSE:</b>	<input checked="" type="checkbox"/> <b>Approval</b> <input type="checkbox"/> <b>Information</b> <input type="checkbox"/> <b>Discussion</b>
<b>MEETING DATE:</b>	<b>August 20, 2024</b>
<b>PRESENTERS:</b>	<b>Corey Muench, Chair, Senate Bylaw, Policy, and Procedure Committee Kyle Vuorinen, Registrar</b>

### PURPOSE

To recommend changes to the existing Board of Governors policy and procedure B.109, Student Appeals Policy and B109.1, Student Appeals Procedure.

### BACKGROUND

*The proponent has submitted the following:*

#### Rationale for creation or review

B.109 was approved by the Board in June 2018, replacing S2015-03 Student Appeals when it was agreed that the approval body for the policy should change from the Senate to the Board. The policy was due routine five-year review in June 2023.

#### Context / Summary

This policy and its associated procedure describe the University's approach to managing appeals of decisions and terminations made under both academic and non-academic policies, including S2018-01 Final Grade Appeal Policy, S2017-05 Academic Integrity Policy, B.701 Student Code of Conduct Policy, B.401 Sexual Violence and Misconduct Policy and any other University policies that impact a student's academic or non-academic standing.

#### Risk, Benefits and Strategy Alignment

This policy complies with the *University Act* which states that the senate has the power and duty to establish a final appeal tribunal for appeals by students on academic appeals. The policy is a part of the University's student conduct-related risk mitigation processes and is important in demonstrating the University's commitment to procedural fairness.

### APPROVALS & CONSULTATIONS:

Consultation:

- Registrar
- Associate Registrars
- Director, Risk Management
- Associate Vice President, Student Success
- Associate Vice President, Strategy, Analytics and Transformation
- Vice President, Strategic Planning, Assessment & Institutional Effectiveness
- Vice President, Academic and Provost
- Senate Bylaw, Policy, and Procedure Committee

## Approvals:

Date	Committee	Purpose
March 18, March 26 and June 11, 2024	Senate By-law, Policy and Procedure Committee	Review, propose improvements and determine if ready for Senate consideration
August 20, 2024	Senate	Review and make recommendations for Board consideration
TBD	Governance and Planning Committee	Review, consider Senate recommendations, amend if required and recommend for Board decision to approve
TBD	Board	Final approval

**HIGHLIGHTS OF RECOMMENDATIONS/CHANGES MADE:**

Changes (see also corresponding red text in accompanying marked documents)

The following list describes the changes made to the policy:

- More detail added to the overall context of the application of the policy in the purpose statement
- Explicit reference to a commitment to procedural fairness added to the purpose statement with a mention of the Canadian Council of Parliamentary Ombudsman’s Fairness by Design guidance; definitions of procedural and substantive fairness added.
- Addition of responsible officer for non-academic appeals (Vice President Strategic Planning, Assessment and Institutional Effectiveness) reflecting the university’s organizational structure. References have consequentially been changed throughout the policy.
- Removal of “Determination” from the definitions section; the term refers to different things at various points in the policy and procedure; definition not needed because the general context guides the reader in understanding the meaning.
- Adding of substantive fairness as a possible reason for an academic appeal (Section 3.1.c)
- Simplification of reference to the tribunal structure by eliminating all references to the Student Appeals Committee (SAC) and only referring to the “Tribunal Pool” (Sections 5 and 6). This clarifies that there is not actually a standing committee but rather a group of people who receive training and are ready to be called upon to form tribunals as needed.
- Change to the requirement to train all members of the tribunal pool annually to regular training for new members and when substantial changes made to policy. (Section 5.3) This change reflects current practice.
- Addition of the option to add a staff member to the tribunal where a student member is not appropriate (in line with the clause used when a student member is not available) (Section 6.4)
- Added language taken from the new Conflict of Interest Policy regarding personal relationships (Section 6.8.b)
- Replacement of a tribunal member with a conflict of interest now a duty of the Registrar, not after a meeting of the Student Appeals Committee. (Section 6.9)
- Added sections Related Policies and Guidance and References. (Section 8)
- Some clauses in the policy have moved sections for better flow and readability and for consistency across the policy suite.

- More clarity about managing conflicts of interest including the use of an alternative to the Registrar if necessary.

The changes to the procedure are listed below:

- Change to the Responsible officer as per the policy,
- Change from referring to “natural justice” to “procedural fairness” throughout
- Change to reflect that communication under the procedure will be electronic (email)
- Removal of the reference to the Manager, Policy, Privacy and Governance
- Additional reference to the B.700 Privacy and Access to Information Policy
- Added sections Related Policies and Guidance and References
- Minor changes for greater readability and to bring content in line with changes to the Policy

### **DOCUMENTS FOR SENATE REVIEW**

B.109 Student Appeals Policy (marked copy with comments)

B.109.1 Student Procedure (marked copy with comments)

B.109 Student Appeals Policy (proposed clean copy)


B.109.1 Student Appeals Procedure (proposed clean copy)

B.109 Student Appeals (current policy, for reference)

B.109.1 Student Appeals (current procedure, for reference)

### **RECOMMENDATION**

That the Senate approve and recommend to the Board Governance and Planning Committee and to the Board of Governors the revised **B.109 Student Appeals Policy** and **B109.1 Student Appeals Procedure**.

 <b>CAPILANO UNIVERSITY</b>		POLICY	
Policy No.	Officer Responsible		
<b>B.109</b>	<b>Vice President, Strategic Planning, Assessment and Institutional Effectiveness and Vice-President Academic and Provost</b>		
Policy Name			
<b>Student Appeals</b>			
Approved by	Replaces	Category	Next Review
<b>Senate</b>	<b>S1999-03 Academic Appeals; S2015-03 Student Appeals</b>	<b>Student</b>	<b>August 2029</b>
Date Issued	Date Revised	Date in effect	Related Policies
<b>June 19, 2018</b>			<b>B.701 Student Code of Conduct; B.401 Sexual Violence and Misconduct; S2018-01 Final Grade Appeal; S2017-05 Academic Integrity;</b>

## PURPOSE

- 1.1 In accordance with *the University Act* 35.2 (5), the Senate of Capilano University ("the University") has the power and duty to set policies and procedures for appeals by students on academic matters and establish a final appeal tribunal for these appeals.
- 1.2 This policy outlines when and how students can appeal both academic and non-academic determination(s). Appeals will be managed in a reasonable manner, in accordance with the principles of Procedural Fairness and in alignment with the guidance provided by the Canadian Council of Parliamentary Ombudsman.
- 1.3 Prior to filing an appeal under this policy, a student must have pursued and exhausted all other reviews, appeals, or remedies provided by the University's other policies and procedures that relate to academic and non-academic standing. Appeals may only be made on the grounds of Procedural or Substantive Fairness relating to the previous process or determinations. The grounds for appeal are outlined in section 4 of this policy. The appeal process under this policy is not intended to reopen previous hearings.

## 2. DEFINITIONS

**Appellant** – a student who claims an injustice or error has occurred.

**Balance of Probability** – the standard of proof used to determine findings of fact, requiring the evidence to show that the initial violation is more likely than not to have occurred.

**Procedural Fairness** (fair process) relates to the steps taken before and after making a decision or responding to a complaint. Procedural Fairness requires that:

- a) those directly impacted are given advance notice and adequate information in order to be able to meaningfully participate, enabled to state their case or communicate their concerns, and be heard in the decision-making process;
- b) decisions are timely, with well explained reasoning for decisions provided, including:
  - i) the decision making criteria, policy or legislation (decision making rules);
  - ii) the information and evidence (the facts) considered; and
  - iii) how the decision making rules were applied to the facts.
- c) decision makers are impartial, unbiased and free from any conflict of interest and
- d) there is an adequate appeal/review process.

**Respondent** – the University instructor or administrator whose decision or determination is being appealed.

**Substantive Fairness** (fair decisions) relates to the fairness of the decision itself. Substantive Fairness requires that organizations establish lawful, fair and just rules and decision-making criteria that are not oppressive, unreasonably burdensome or improperly discriminatory and that decision makers:

- a) make well informed and well-reasoned decisions that are:
  - i) consistent with university policies and any applicable laws and legal requirements;
  - ii) reasonable and fair (justifiable, transparent and understandable to those impacted) and
- b) exercise discretionary power fairly and reasonably.

### 3. SCOPE

3.1 **Academic Appeals** include appeals regarding:

- a) the application of S2018-01 Final Grade Appeal Policy;
- b) the determination of the sanctions imposed on students under S2017-05 Academic Integrity Policy; or,
- c) the Procedural or Substantive Fairness in application of any other University Policy that impacts a student's academic standing.

3.2 Students may not appeal determinations that solely concern matters of academic judgment under this policy.

3.3 **Non-Academic Appeals** include appeals regarding:

- a) the determination of sanctions imposed on students under B.701 Student Code of Conduct Policy;
- b) the determination of sanctions imposed on students under B.401 Sexual Violence and Misconduct Policy; or,



- c) the determinations of sanctions made under any other University policy that impacts the student's non-academic standing.

#### **4. GROUNDS FOR AN APPEAL**

- 4.1 In any appeal, the Appellant must articulate the grounds for an appeal. All appeals are limited to any or one of the following grounds:
- a) on the Balance of Probabilities, that an injustice or error occurred when the determination of fact was made;
  - b) a University policy or procedure was incorrectly applied;
  - c) the adjudicating body exceeded its legitimate jurisdiction or authority; or,
  - d) important evidence was ignored, or not reasonably assessed.

#### **INITIATING AN APPEAL**

- 4.2 Within twenty-one (21) calendar days of receipt of the decision that the Appellant wishes to appeal under this policy, the Appellant shall complete their application for appeal (see B.109.1 Student Appeals Procedures Section 3) and submit it to the Registrar.
- 4.3 The original determination will stay in effect unless and until it is overturned by this appeal process. This means that submitting an appeal will not prevent the decision being appealed from being enforced.
- 4.4 If the determination that is being appealed was made by the Registrar, the Vice President Academic and Provost (for academic matters) or the Vice President Strategic Planning, Assessment and Institutional Effectiveness (for non-academic matters) will appoint an administrator who has received the relevant training to oversee the appeals process. The Vice President Academic and Provost or the Vice President Strategic Planning, Assessment and Institutional Effectiveness will inform the Appellant through their Capilano University email regarding who has been appointed to oversee the appeal process as soon as the decision is made.
- 4.5 No matter shall be referred to an appeals tribunal unless the Appellant has completed to the satisfaction of the Registrar (or designate) or alternate as per 4.4 above the application for appeal.

#### **5. STUDENT APPEALS TRIBUNAL POOL**

- 5.1 The Registrar (or designate) will create a pool of potential tribunal members ("the pool") for selection in impartial tribunals to hear and determine appeals.
- 5.2 The pool will be formed from:
- a) Faculty members who are Senators with a minimum of one from each Faculty;
  - b) Faculty members who are not Senators with a minimum of one from each Faculty;
  - c) Student members who are Senators, minimum one;
  - d) Student members who are not Senators, minimum three;

- e) One staff member who is a Senator; and,
  - f) Staff members who are not Senators, minimum two
- 5.3 The Registrar, in consultation with the Office of Student Affairs, will arrange for regular training for all new members of the pool and additional training after any significant changes to this policy or its supporting procedure.

## **6. STUDENT APPEALS TRIBUNALS**

- 6.1 The Student Appeals Tribunal holds the final decision-making authority regarding appeals held under this policy. The findings of the tribunal represent the final decision of the University.
- 6.2 When an appeal is scheduled, the Registrar (or designate) or their alternate as per 4.4 above will name a three-member tribunal selected from the student appeals tribunal pool to hear and determine that appeal. The Registrar (or designate) will not sit on tribunals.
- 6.3 For Academic Appeals, the tribunal will consist of two faculty members and one student member.
- 6.4 Normally, for Non-Academic Appeals, the tribunal will consist of one faculty member, one staff member and one student member. In the case of a highly sensitive matter, such as an appeal under the Sexual Violence and Misconduct Policy (B.401), no student representatives will be included. In these cases, an extra faculty or staff member will be added to the tribunal.
- 6.5 The tribunal will select a hearing chair from among the faculty members or staff members. Students are not permitted to chair tribunals.
- 6.6 The lack of availability of a student member will not prevent a tribunal from proceeding within the time frames required in the procedures. A faculty or staff member will be added if no student member is available.
- 6.7 If a faculty member or a staff member is not able to complete their duties on a tribunal, they must inform the Registrar or the hearing chair, as soon as possible so that a new tribunal can be formed.
- 6.8 The tribunal must both appear to be and be neutral in the matter under consideration. The Registrar (or designate) will be responsible for ensuring that no tribunal member is in a conflict of interest. Any member of the pool selected for a tribunal must declare an actual, potential, or perceived conflict of interest to the Registrar (or designate) and step down from sitting on that tribunal. Examples of a conflict include situations where the member:
- a) teaches, works or is enrolled in the same program of study as the appealing student;
  - b) has a personal relationship with the appealing student or the instructor or administrator who imposed the discipline or grade; or
  - c) has some personal experience or professional involvement with the matter under appeal.
- 6.9 If any member of the pool knows or suspects that any tribunal member has a conflict of interest that they have not declared, that pool member has a duty to report that conflict to the Registrar

(or designate). The Registrar (or designate) will appoint a replacement tribunal member. If external advice is required, the Vice President Academic and Provost or the Vice President Strategic Planning, Assessment and Institutional Effectiveness as applicable will obtain that advice.

- 6.10 This same process will apply when a student alleges a conflict of interest on the part of a tribunal member.

## **7. DESIGNATED OFFICER**

The Vice President, Academic and Provost and the Vice President, Strategic Planning, Assessment and Institutional Effectiveness are the Policy Owners, responsible for the oversight of this Policy. The Administration of this Policy and the development, subsequent revisions to and operationalization of any associated procedures is the responsibility of the Registrar.

## **8. RELATED POLICIES AND GUIDANCE**

B.701 Student Code of Conduct

B.401 Sexual Violence and Misconduct


S2018-01 Final Grade Appeal

S2017-05 Academic Integrity

## **9. REFERENCES**

*University Act*, RBC 1996 s.35.2(5)(j)

Fairness by Design: An Administrative Fairness Assessment Guide. Canadian Council of Parliamentary Ombudsman (2022).

 <b>CAPILANO UNIVERSITY</b>		POLICY	
Policy No.	Officer Responsible		
B.109	<b>Vice President, Strategic Planning, Assessment and Institutional Effectiveness and Vice-President Academic and Provost</b>		
Policy Name			
<b>Student Appeals</b>			
Approved by	Replaces	Category	Next Review
Senate	<b>S1999-03 Academic Appeals; S2015-03 Student Appeals</b>	<b>Student</b>	<b>August 2029</b>
Date Issued	Date Revised	Date in effect	Related Policies
<b>June 19, 2018</b>			<b>B.701 Student Code of Conduct; B.401 Sexual Violence and Misconduct; S2018-01 Final Grade Appeal; S2017-05 Academic Integrity;</b>

## PURPOSE

- 1.1 In accordance with *the University Act* 35.2 (5), the Senate of Capilano University (“the University”) has the power and duty to set policies and procedures for appeals by students on academic matters and establish a final appeal tribunal for these appeals.
- 1.2 This policy outlines when and how students can appeal both academic and non-academic determination(s). Appeals will be managed in a reasonable manner, in accordance with the principles of Procedural Fairness and in alignment with the guidance provided by the Canadian Council of Parliamentary Ombudsman.
- 1.3 Prior to filing an appeal under this policy, a student must have pursued and exhausted all other reviews, appeals, or remedies provided by the University’s other policies and procedures that relate to academic and non-academic standing. Appeals may only be made on the grounds of Procedural or Substantive Fairness relating to the previous process or determinations. The grounds for appeal are outlined in section 4 of this policy. The appeal process under this policy is not intended to reopen previous hearings.

## 2. DEFINITIONS

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  - i) the decision making criteria, policy or legislation (decision making rules);
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- a) make well informed and well-reasoned decisions that are:
  - i) consistent with university policies and any applicable laws and legal requirements;
  - ii) reasonable and fair (justifiable, transparent and understandable to those impacted) and
- b) exercise discretionary power fairly and reasonably.

### 3. SCOPE

3.1 **Academic Appeals** include appeals regarding:

- a) the application of S2018-01 Final Grade Appeal Policy;
- b) the determination of the sanctions imposed on students under S2017-05 Academic Integrity Policy; or,
- c) the Procedural **or Substantive Fairness** in application of any other University Policy that impacts a student's academic standing.

3.2 Students may not appeal determinations that solely concern matters of academic judgment under this policy.

3.3 **Non-Academic Appeals** include appeals regarding:

- a) the determination of sanctions imposed on students under B.701 Student Code of Conduct Policy;
- b) the determination of sanctions imposed on students under B.401 Sexual Violence and Misconduct Policy; or,

- c) the determinations of sanctions made under any other University policy that impacts the student's non-academic standing.

#### **4. GROUNDS FOR AN APPEAL**

- 4.1 In any appeal, the Appellant must articulate the grounds for an appeal. All appeals are limited to any or one of the following grounds:
  - a) on the Balance of Probabilities, that an injustice or error occurred when the determination of fact was made;
  - b) a University policy or procedure was incorrectly applied;
  - c) the adjudicating body exceeded its legitimate jurisdiction or authority; or,
  - d) important evidence was ignored, or not reasonably assessed.

#### **INITIATING AN APPEAL**

- 4.2 Within twenty-one (21) calendar days of receipt of the decision that the Appellant wishes to appeal under this policy, the Appellant shall complete their application for appeal (see B.109.1 Student Appeals Procedures Section 3) and submit it to the Registrar.
- 4.3 The original determination will stay in effect unless and until it is overturned by this appeal process. This means that submitting an appeal will not prevent the decision being appealed from being enforced.
- 4.4 If the determination that is being appealed was made by the Registrar, the Vice President Academic and Provost (for academic matters) **or the Vice President Strategic Planning, Assessment and Institutional Effectiveness (for non-academic matters)** will appoint an administrator who has received the relevant training to oversee the appeals process. The Vice President Academic and Provost or **the Vice President Strategic Planning, Assessment and Institutional Effectiveness** will inform the Appellant through their Capilano University email regarding who has been appointed to oversee the appeal process as soon as the decision is made.
- 4.5 No matter shall be referred to an appeals tribunal unless the Appellant has completed to the satisfaction of the Registrar (or designate) or alternate as per 4.4 above the application for appeal.

#### **5. STUDENT APPEALS TRIBUNAL POOL**

- 5.1 **The Registrar (or designate) will create a pool of potential tribunal members ("the pool") for selection in impartial tribunals to hear and determine appeals.**
- 5.2 **The pool will be formed from:**
  - a) Faculty members who are Senators with a minimum of one from each Faculty;
  - b) Faculty members who are not Senators with a minimum of one from each Faculty;
  - c) Student members who are Senators, **minimum one;**
  - d) Student members who are not Senators, **minimum three;**

- e) One staff member who is a Senator; and,
- f) Staff members who are not Senators, **minimum two**

5.3 The Registrar, in consultation with the Office of Student Affairs, **will arrange for regular training for all new members of the pool and additional training after any significant changes to this policy or its supporting procedure.**

## 6. STUDENT APPEALS TRIBUNALS

- 6.1 The Student Appeals Tribunal holds the final decision-making authority regarding appeals held under this policy. The findings of the tribunal represent the final decision of the University.
- 6.2 When an appeal is scheduled, the Registrar (or designate) or their alternate as per 4.4 above will name a three-member tribunal selected from the student appeals tribunal pool to hear and determine that appeal. The Registrar (or designate) will not sit on tribunals.
- 6.3 For Academic Appeals, the tribunal will consist of two faculty members and one student member.
- 6.4 Normally, for Non-Academic Appeals, the tribunal will consist of one faculty member, one staff member and one student member. In the case of a highly sensitive matter, such as an appeal under the Sexual Violence and Misconduct Policy (B.401), no student representatives will be included. In these cases, an extra faculty **or staff member** will be added to the tribunal.
- 6.5 The tribunal will select a hearing chair from among the faculty members or staff members. Students are not permitted to chair tribunals.
- 6.6 The lack of availability of a student member will not prevent a tribunal from proceeding within the time frames required in the procedures. A faculty or staff member will be added if no student member is available.
- 6.7 If a faculty member or a staff member is not able to complete their duties on a tribunal, they must inform the Registrar or the hearing chair as soon as possible so that a new tribunal can be formed.
- 6.8 The tribunal must both appear to be and be neutral in the matter under consideration. The Registrar (or designate) will be responsible for ensuring that no tribunal member is in a conflict of interest. **Any member of the pool selected for a tribunal must declare an actual, potential, or perceived conflict of interest** to the Registrar (or designate) and step down from sitting on that tribunal. Examples of a conflict include situations where the member:
  - a) teaches, works or is enrolled in the same program of study as the appealing student;
  - b) has a personal relationship with the appealing student **or the instructor or administrator** who imposed the discipline or grade; or
  - c) has some personal experience or professional involvement with the matter under appeal.
- 6.9 If any member of the pool knows or suspects that any tribunal member has a conflict of interest that they have not declared, that pool member has a duty to report that conflict to the Registrar

(or designate). **The Registrar (or designate) will appoint a replacement tribunal member.** If external advice is required, the Vice President Academic and Provost or the Vice President Strategic Planning, Assessment and Institutional Effectiveness as applicable will obtain that advice.

- 6.10 This same process will apply when a student alleges a conflict of interest on the part of a tribunal member.

## **7. DESIGNATED OFFICER**

The Vice President, Academic and Provost and the Vice President, Strategic Planning, Assessment and Institutional Effectiveness are the Policy Owners, responsible for the oversight of this Policy. The Administration of this Policy and the development, subsequent revisions to and operationalization of any associated procedures is the responsibility of the Registrar.

## **8. RELATED POLICIES AND GUIDANCE**

B.701 Student Code of Conduct

B.401 Sexual Violence and Misconduct

S2018-01 Final Grade Appeal


S2017-05 Academic Integrity

## **9. REFERENCES**

*University Act*, RBC 1996 s.35.2(5)(j)

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 <b>CAPILANO UNIVERSITY</b>		<b>POLICY</b>	
Policy No.	Officer Responsible		
<b>B.109</b>	<b>Vice-President Academic and Provost</b>		
Policy Name			
<b>Student Appeals</b>			
Approved by	Replaces	Category	Next Review
<b>Board</b>	<b>S1999-03 Academic Appeals; S2015-03 Student Appeals</b>	<b>C</b>	<b>June 2023</b>
Date Issued	Date Revised	Related Policies, Reference	
<b>June 19, 2018</b>		<b>B.701 Student Code of Conduct; B.401 Sexual Violence and Misconduct; S2018-01 Final Grade Appeal; S2017-05 Academic Integrity</b>	

## 1 PURPOSE

- 1.1 This policy outlines when and how students can appeal academic determination(s) or non-academic determination(s).
- 1.2 Prior to filing an appeal under this policy, a student must have pursued and exhausted all other reviews, appeals, or remedies provided by Capilano University's other policies and procedures.

## 2 DEFINITIONS

**Academic Appeals** include Appeals regarding:

- a. the procedural fairness in application of the Final Grade Appeal Policy;
- b. the procedural fairness on the determination of the sanctions imposed on students under the Student Academic Integrity Policy; or,
- c. the procedural fairness in application of any other University Policy that impacts a student's academic standing.

**Appellant** – a student who claims an injustice or error has occurred.

**Balance of Probability** – the standard of proof used to determine findings of fact, requiring the evidence to show that the initial violation is more likely than not to have occurred.

**Determination** – the conclusion of an appeal by the rendering of a final decision based on a balance of probabilities. Determinations include, but are not limited to, sanctions imposed by a dean, vice-president or president.

**Non-Academic Appeals** include Appeals regarding:

- a. the procedural and substantive fairness of the determination of sanctions imposed on students under the Student Code of Conduct Policy;
- b. the procedural and substantive fairness of the determination of sanctions imposed on students under the Sexual Violence and Misconduct Policy; or,
- c. the procedural and substantive fairness of the determination made under any other University Policy that impacts the student's non-academic standing.

**Respondent** – the University instructor or administrator whose decision or determination is being appealed.

### **3 SCOPE**

- 3.1 The original determination stays in effect unless and until it is overturned on appeal. This means that submitting an appeal will not prevent the decision being appealed from being enforced.
- 3.2 This policy has no jurisdiction to consider a decision where the student's appeal is based on a question of academic judgment.
- 3.3 The Student Appeals Committee (SAC) has sole jurisdiction to hear and make a final adjudication of appeals based on academic decisions or non-academic decisions not otherwise delegated to another body.
- 3.4 SAC holds final decision-making authority regarding appeals it considers. The findings of SAC represent the final decision of the university.

### **4 GROUNDS FOR AN APPEAL**

In any appeal, the appellant must articulate the grounds for an appeal. All appeals are limited to the following grounds:

- a. On the balance of probabilities, that an injustice or error occurred when the determination of fact was made;
- b. A policy was incorrectly applied;
- c. The adjudicating body exceeded its legitimate jurisdiction or authority; or,
- d. Important evidence was ignored.

### **5 INITIATING AN APPEAL**

- 5.1 Within twenty-one (21) calendar days of receipt of the decision that the appellant wishes to appeal under this policy, the appellant shall complete their application for appeal (see B.109.1 Student Appeals Procedures) and deliver it to the Registrar (see instructions online).

- 5.2 If the determination that is being appealed was made by the Registrar, the Vice-President Academic and Provost will appoint an administrator who has received the relevant training to act as Chair of the SAC for the duration of the appeal. The Vice-President Academic and Provost will inform the appellant through their Capilano University email regarding whom the Chair is as soon as the decision is made.
- 5.3 No matter shall be referred to the SAC unless the appellant has completed to the satisfaction of the Registrar (or designate) the application for appeal.


## **6 STUDENT APPEALS COMMITTEE**

- 6.1 The SAC will create impartial tribunals to hear and determine appeals.
- 6.2 The Chair of SAC will be the Registrar (or designate).
- 6.3 The voting membership of SAC will be as follows:
  - a. Faculty members who are Senators with a minimum of one from each Faculty;
  - b. Faculty members who are not Senators with a minimum of one from each Faculty;
  - c. One student who is a Senator;
  - d. Three students who are not Senators;
  - e. One staff member who is a Senator; and,
  - f. Two staff members who are not Senators.
- 6.4 The Registrar, in consultation with the Office of Student Affairs, will arrange for relevant annual training for all members of the committee.

## **7 TRIBUNALS**

- 7.1 When an appeal is scheduled, the Registrar (or designate) will name a three-member tribunal to hear and determine that appeal. The three members of the tribunal will be members of SAC. The Registrar (or designate) will not sit on tribunals.
- 7.2 For Academic Appeals, the tribunal will consist of two faculty members and one student.
- 7.3 Normally, for Non-Academic Appeals, the tribunal will consist of one faculty member, one staff member and one student. In the case of a highly sensitive matter, such as an appeal under the Sexual Violence and Misconduct Policy (B. 401), no student representatives will be included. In these cases, an extra faculty member will be added to the tribunal.
- 7.4 The tribunal will select a hearing chair from among the faculty members or staff members. Students are not permitted to chair tribunals.

- 7.5 The lack of availability of a student member will not prevent a tribunal from proceeding within the time frames required in the procedures. A faculty or staff member will be added if no student member is available.
- 7.6 If a faculty member or a staff member is not able to complete their duties on a tribunal, they must inform the Chair as soon as possible so that a new tribunal can be formed.
- 7.7 The appeal tribunal must both appear to be and be neutral in the matter under consideration. Any actual or apparent conflict of interest will disqualify a SAC member from sitting on a particular tribunal. The Registrar (or designate) will be responsible for ensuring that no tribunal member is in a conflict of interest. Examples of a conflict include situations where the member
- a. teaches, works or is enrolled in the same program area as the appealing student;
  - b. has a personal relationship with the appealing student or the official who imposed the discipline or grade; or
  - c. has some personal experience or professional involvement with the matter under appeal.
- 7.8 If any SAC member knows or suspects that any tribunal member has a conflict of interest that they have not declared, that SAC member has a duty to report that conflict to the Registrar (or designate). The Registrar (or designate) will convene a meeting of SAC to consider the report and, if necessary, vote on tribunal membership. The Registrar (or designate) will not vote. If external advice is required, the Vice-President Academic and Provost will obtain that advice.
- 7.9 This same process will apply when a student complains of a conflict on the part of a tribunal member.

 <b>CAPILANO UNIVERSITY</b>		<b>PROCEDURE</b>	
Procedure No.		Officer Responsible	
<b>B.109.1</b>		<b>Vice-President Academic and Provost and Vice President, Strategic Planning, Assessment and Institutional Effectiveness</b>	
Procedure Name			
<b>Student Appeals</b>			
Policy This Procedure is Under			Date of Next Policy Review
<b>B.109 Student Appeals</b>			<b>August 2029</b>
Date Issued	Date Revised	Related Policies	
<b>November 6, 2018</b>		<b>S2018-01 Final Grade Appeal;</b> <b>S2017-05 Academic Integrity;</b> <b>B.701 Student Code of Conduct;</b> <b>B.401 Sexual Violence and Misconduct;</b> <b>E.702 Students Statement of Rights and Responsibility</b>	

## 1. PURPOSE

- 1.1 The procedures set out in this document are designed to support B.109 Student Appeals Policy ("the Policy") and govern the conduct of appeals.
- 1.2 All tribunal hearings will be guided by the principles of Procedural Fairness, and decisions will be based on the Balance of Probability. In particular, students have the right to:
  - a) Know in advance the representation composition (role) of the tribunal;
  - b) Make submissions to the Registrar (or alternate/designate) and tribunal in writing;
  - c) Have an oral hearing in cases of suspension and/or expulsion by the President;
  - d) Receive copies of all submissions made to the Registrar (or alternate/designate);
  - e) Enter a written reply to all submissions; and,
  - f) Receive a timely, written decision that gives a final disposition of the appeal.
- 1.3 The tribunal's determination is final, and there is no further right to appeal.

## 2. DEFINITIONS

The definitions found in the Policy are used in these procedures.

## 3. APPLICATION FOR APPEAL

- 3.1 The Appellant submits a completed application to the Registrar (or alternate/designate) that includes the following information (form available online):

- a) a statement (description) of the appeal;
  - b) the Appellant's contact information;
  - c) the precise grounds for the appeal (see Policy Section 4, clause 1);
  - d) the important evidence that was missing, if applicable;
  - e) the remedy sought;
  - f) request for an oral hearing ONLY in cases of suspension and/or expulsion by the President;
  - g) list of witnesses for the oral hearing, in cases of suspension and/or expulsion by the President;
  - h) name of Appellant's counsel, if applicable;
  - i) a copy of the decision being appealed; and
  - j) any documents the Appellant wishes to submit to the tribunal as evidence in support of the appeal.
- 3.2 The deadline for submitting the application for appeal is within twenty-one (21) calendar days of the decision that is being appealed.

#### **4. PROCEDURE FOR APPEAL APPLICATION**

- 4.1 All appeal correspondence will be electronic, through official Capilano University email addresses.
- 4.2 An Appellant must submit their completed application to the Registrar (or designate, or their alternate as appointed pursuant to Section 4.4 of the Policy) along with any supplemental materials. The Registrar (or alternate/designate) will review the application and will contact the Appellant if there are any deficiencies in the application. The Appellant must correct these deficiencies within the stated timeframe determined by the Registrar (or alternate/designate), or the application will be deemed incomplete, and the appeal will not be heard.
- 4.3 Once the Registrar (or alternate/designate) has determined the application is complete, they will determine if the application has met one of the stated grounds found in the Policy. If the Appellant has failed to advance any arguments to support their specified grounds for appeal, the Registrar (or alternate/designate) will dismiss the application for appeal. The Appellant will be notified of this determination and the reasons why their application was dismissed, if applicable.
- 4.4 If the Appellant has not complied with the required timelines, and there is no valid reason to explain the delay, the Registrar (or alternate/designate) may also dismiss the application for appeal. The Appellant will be notified of this determination.
- 4.5 If the Registrar (or alternate/designate) determines that the application for appeal is complete and it has valid grounds, the Registrar (or alternate/designate) will forward the Appellant's application to the Respondent within five (5) business days.

- 4.6 Within ten (10) business days of the receipt of the Appellant's application, the Respondent will deliver to the Registrar (or alternate/designate) any documents the Respondent wishes to submit to the tribunal as evidence in support of their position, and any response to the claims made by the Appellant.
- 4.7 Within five (5) business days of the Respondent submitting their materials to the Registrar (or alternate/designate), the Registrar (or alternate/designate) will forward this information to the Appellant. The Appellant will have ten (10) business days to submit any material in response to the Respondent to the Registrar (or alternate/designate).
- 4.8 After the Appellant addresses the Respondent's material, all materials collected by the Registrar (or alternate/designate) will be considered the appeal file.
- 4.9 Once the appeal file is complete, the Registrar (or alternate/designate) will form a tribunal as outlined in section 6 of the Policy), taking into consideration the following:
- a) Whether the appeal is academic or non-academic in nature;
  - b) Any conflicts of interest or perceptions of conflicts of interest;
  - c) Whether a request is made for an oral hearing in cases of suspension or expulsion;
  - d) The availability and workload of each member of the Student Appeals pool; and
  - e) Whether members are currently serving on a tribunal or tribunals.
- 4.10 Once the tribunal members are determined, the Registrar (or designate) will arrange for the tribunal members to receive a copy of the appeal file. The tribunal members will select a tribunal chair as stated in clause 6.5 of the Policy.
- 4.11 The tribunal will meet to make their determination within ten (10) business days of receipt of the appeal file.

## **5. TRIBUNAL PROCEDURES PRIOR TO HEARINGS**

- 5.1 Each tribunal member will review the completed appeal file separately prior to its initial meeting.
- 5.2 Tribunal members may request further materials through the Registrar (or alternate/designate) prior to the initial meeting. Such requests will be reviewed by the Registrar (or alternate/designate) who will determine if the requested evidence should be made available, based on the principles of Procedural Fairness.
- 5.3 If new evidence is obtained, a copy must be provided to both parties, who must be given an opportunity to respond to the new material if they wish. The unavailability of the evidence will not delay the hearing process.
- 5.4 Tribunal members should not seek out any extra information themselves but judge the case based on the evidence contained within the appeal file.

5.5 The tribunal members may, as a group, seek clarification on University policies and the principles of Procedural Fairness from the Registrar (or alternate/designate).

## **6. TRIBUNAL DETERMINATION WITH NO ORAL HEARINGS**

6.1 The tribunal members will normally set the time for the hearing within ten (10) business days after the processes described in Section 5 of this procedure have been completed.

6.2 The tribunal will decide on one of the following outcomes:

- a) Hear and uphold the original decision;
- b) Hear and uphold the original decision, but alter the penalty; or,
- c) Hear and replace the decision.

6.3 Within five (5) business days of the tribunal's determination, the tribunal chair will send copies of the written decision, based on the tribunal's findings which normally will include a brief rationale, to the Registrar (or alternate/designate), who will provide the written decision to all relevant University parties. The Registrar (or alternate/designate) will provide the written decision and rationale to the Appellant and Respondent. The written decision and rationale will not prejudice any of the parties, or interfere with their privacy rights.

## **7. TRIBUNAL DETERMINATION WITH ORAL HEARING**

7.1 The tribunal members will normally set the time for the hearing within ten (10) business days after the processes described in Section 5 of this procedure have been completed. The Registrar (or designate) will inform the Appellant and the Respondent of the date and time of the hearing. The Respondent and Appellant are responsible for informing their witnesses (if applicable) of the date and time of the hearing. Efforts will be made to accommodate individual schedules, but rendering a timely decision is of primary importance.

7.2 The tribunal members should not discuss any matters related to the appeal with the Appellant or the Respondent prior to the hearing, for any reason. Any queries should be directed to the Registrar (or alternate/designate).

### **Holding the Hearing**

7.3 The tribunal chair should begin by introducing everyone and stating their role in the tribunal, including, but not limited to tribunal members, Appellant, Respondent, and any support person for the Appellant or Respondent.

7.4 A support person cannot be a witness and cannot speak during the hearing.

7.5 Third party witnesses will be asked to wait outside the room until they are called upon to present their evidence.

7.6 If the Appellant, Respondent, or tribunal has appointed legal counsel, their attendance is also permitted at the hearing. The party must notify the Registrar (or alternate/designate) within a



minimum of seven (7) calendar days that legal counsel will be present. This will allow for the other parties to obtain legal counsel if they choose. At the discretion of the Registrar (or alternate/designate), the hearing may be delayed to allow for the securing of legal counsel.

- 7.7 Tribunals will follow the principles of Procedural Fairness, with the Appellant and Respondent having the opportunity to present their argument and evidence. Tribunal members may question witnesses.
- 7.8 At the close of the hearing, the tribunal chair will indicate the approximate time length before a determination will be communicated.
- 7.9 The tribunal will decide on one of the following outcomes:
  - a) Hear and uphold the original decision;
  - b) Hear and uphold the original decision, but alter the penalty; or,
  - c) Hear and replace the decision.
- 7.10 Within five (5) business days of the tribunal's determination, the tribunal chair will email the written decision, based on the tribunal's findings which normally will include a brief rationale, to the Registrar (or alternate/designate), who will provide the decision to all relevant University parties. The Registrar (or alternate/designate) will provide the decision and rationale to the Appellant and Respondent via email. The written decision and rationale will not prejudice any of the parties or interfere with their privacy rights.

## **8. RECORD KEEPING**

- 8.1 A record of the oral hearings will be kept. All material produced at the tribunal hearing, including the original appeal file and any notes, will be gathered by the tribunal chair and provided to the Registrar (or designate).
- 8.2 The Registrar's Office will confidentially maintain Appeal files and tribunal determinations in accordance with B.700 Privacy and Access to Information Policy. Records relating to the appeals proceedings will be kept for a period of no fewer than seven (7) years following the completion of all actions pertaining to a particular appeal. After this time, the Registrar's Office may continue to keep records on file if it deems necessary, or the records will otherwise be confidentially destroyed.
- 8.3 Records are not available to be copied or viewed unless required by the procedures listed in this document, or for the purposes of external legal proceedings, in accordance with B.700 Privacy and Access to Information Policy.

## **9. ADMINISTRATIVE RESPONSIBILITY FOR THIS PROCEDURE**

The Registrar is responsible for managing and administering this procedure.

**10. RELATED POLICIES AND GUIDANCE**

S2018-01 Final Grade Appeal

S2017-05 Academic Integrity

B.701 Student Code of Conduct

B.401 Sexual Violence and Misconduct

E.702 Students Statement of Rights and Responsibility

B.700 Privacy and Access to Information Policy

**11. REFERENCES**

*University Act*, RBC 1996 s.35.2(5)(j)

Fairness by Design: An Administrative Fairness Assessment Guide. Canadian Council of Parliamentary Ombudsman (2022).

Procedure No.	Officer Responsible	
<b>B.109.1</b>	<b>Vice-President Academic and Provost</b> <u>Vice President, Strategic Planning, Assessment and Institutional Effectiveness</u>	
Procedure Name		
<b>Student Appeals</b>		
Policy This Procedure is Under		Date of Next Policy Review
<b>B.109 Student Appeals</b>		<b>2023</b>
Date Issued	Date Revised	Related Policies
<b>November 6, 2018</b>		<b>S2018-01 Final Grade Appeal; S2017-05 Academic Integrity; B.701 Student Code of Conduct; B.401 Sexual Violence and Misconduct; E.702 Students Statement of Rights and Responsibility</b>

## 1. OVERVIEW/PURPOSE

1.1 The procedures set out in this document are designed to support the University's B.109 Student Appeals Policy ("the Policy") and govern the conduct of appeals.

1.1.2 All tribunal hearings will be guided by the principles of natural justice Procedural Fairness, and decisions will be based on the Balance of Probability. In particular, students have the right to:

- a) Know in advance the representation composition (role) of the tribunal;
- b) Make submissions to the Registrar (or alternate/designate) and tribunal in writing;
- c) Have an oral hearing in cases of suspension and/or expulsion by the President;
- d) Receive copies of all submissions made to the Registrar (or alternate/designate);
- e) Enter a written reply to all submissions; and,
- f) Receive a timely, written decision that gives a final disposition of the appeal.

1.2.3 These procedures govern the conduct of an appeal.

1.3.4 The tribunal's determination is final, and there is no further right to appeal.

## 2. DEFINITIONS

The definitions found in the Policy are used in these procedures.

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### **2.3. APPLICATION FOR APPEAL**

**2.13.1** The Appellant submits a completed application to the Registrar (or designate) that includes the following information (form available online):

- a) a statement (description) of the appeal;
- b) the Appellant's contact information;
- c) the precise grounds for the appeal (see Policy Section 4, clause1);
- d) the important evidence that was missing, if applicable;
- e) the remedy sought;
- f) request for an oral hearing ONLY in cases of suspension and/or expulsion by the President;
- g) list of witnesses for the oral hearing, in cases of suspension and/or expulsion by the President;
- h) name of Appellant's counsel, if applicable;
- i) a copy of the decision being appealed; and
- j) any documents the Appellant wishes to submit to the tribunal as evidence in support of the appeal.

**2.23.2** The deadline for submitting the application for appeal is within twenty-one (21) calendar days of the decision that is being appealed.

### **3.4. PROCEDURE FOR APPEAL APPLICATION**

**3.14.1** ~~Where the All appeal~~ correspondence ~~will be~~is electronic, ~~it will be~~ through ~~the~~ official Capilano University email ~~addresses~~.

**3.24.2** An Appellant must submit their completed application to the Registrar (or designate,) ~~or their alternate~~ as appointed pursuant to Section ~~4.45.2 of the B-109 Student Appeals~~ Policy) along with any supplemental materials. The Registrar (or ~~alternate~~/designate) will review the application and will contact the Appellant ~~through email, if there are~~ any deficiencies in the application. These deficiencies must be corrected within the stated timeframe determined by the Registrar (or ~~alternate~~/designate), or the application will be deemed incomplete and the appeal will not be heard.

**3.34.3** Once the Registrar (or ~~alternate~~/designate) has determined the application is complete, they will determine if the application has met one of the stated grounds found in the Policy. If the Appellant has failed to advance any arguments to support their specified grounds for appeal, the Registrar (or ~~alternate~~/designate) will dismiss the application for appeal. The Appellant will be notified ~~through email~~, of this determination and the reasons why their application was dismissed, if applicable.

~~3-44.4~~ If the Appellant has not complied with the required timelines and there is no valid reason to explain the delay, the Registrar (or alternate/designate) may also dismiss the application for appeal. The Appellant will be notified ~~through email~~, of this determination.

~~3-54.5~~ If the Registrar (or alternate/designate) determines that the application for appeal is complete and it has valid grounds, the Registrar (or alternate/designate) will forward the Appellant's application to the respondent within five (5) business days.

~~3-64.6~~ Within ten (10) business days of the receipt of the Appellant's application, the Respondent will deliver to the Registrar (or alternate/designate) any documents the Respondent wishes to submit to the tribunal as evidence in support of their position, and any response to the claims made by the Appellant.

~~3-74.7~~ Within five (5) business days of the respondent submitting their materials to the Registrar (or alternate/designate), the Registrar (or alternate/designate) will forward this information to the Appellant. The Appellant will have ten (10) business days to submit any material in response to the Respondent to the Registrar (or alternate/designate).

~~3-84.8~~ After the appellant addresses the Respondent's material, all materials collected by the Registrar (or alternate/designate) will be considered the appeal file.

~~4.9~~ Once the appeal file is complete, the Registrar (or alternate/designate) will form a tribunal ~~as outlined in section 6 of the~~ ~~(see Policy)~~, taking into consideration the following:

- a) Whether the appeal is academic or non-academic in nature;
- b) Any conflicts of interest or perceptions of conflicts of interest;
- c) Whether a request is made for an oral hearing in cases of suspension or expulsion;
- d) The availability and workload of each SAC-member of the Student Appeals pool; and
- e) Whether ~~a SAC-members are-is~~ currently serving on a tribunal or tribunals.

~~3-94.10~~ Once the tribunal members are determined, the Registrar (or designate) will arrange for the tribunal members to receive a copy of the appeal file. The tribunal members will select a tribunal chair as stated in clause 7.6 in the Policy.

~~3-104.11~~ The tribunal will meet to make their determination within ten (10) business days of receipt of the appeal file.

#### ~~4.5.~~ **TRIBUNAL PROCEDURES PRIOR TO HEARINGS**

~~4-15.1~~ Each tribunal member will review the completed appeal file separately prior to its initial meeting. ~~Normally, this will be completed within five (5) business days of receiving the appeal file.~~

~~4-25.2~~ Tribunal members may request further materials through the Registrar (or alternate/designate) prior to the initial meeting. Such requests will be reviewed by the Registrar (or

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alternate/designate) who will determine if the requested evidence should be made available, based on the principles of natural justice Procedural Fairness.

4-35.3 If new evidence is obtained, a copy must be provided to both parties who must be given an opportunity to respond to the new material if they wish. The unavailability of the evidence will not delay the hearing process.

4-45.4 Tribunal members should not seek out any extra information themselves, but judge the case based on the evidence contained within the appeal file.

5.5 The tribunal members may, as a group, seek clarification on Capilano University policies and the principles of Procedural Fairness natural justice procedures from the Registrar (or designate) or the Manager, Policy, Privacy and Governance.

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#### TRIBUNAL DETERMINATION WITH NO ORAL HEARINGS

4-55.6 The tribunal members will normally set the time for the hearing within ten (10) business days after the processes described in Section 4 of this procedure have been completed.

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4-65.7 The tribunal will decide on one of the following outcomes:

- a) Hear and uphold the original decision;
- b) Hear and uphold the original decision, but alter the penalty; or,
- c) Hear and replace the decision.

5.8 Within five (5) business days of the tribunal's determination, the tribunal chair will send copies of the written decision, based on the tribunal's findings which normally will include a brief rationale, to the Registrar (or alternate/designate), who will provide the written decision to all relevant University parties. The Registrar (or alternate/designate) will provide the written decision and rationale to the appellant and respondent. The written decision and rationale will not prejudice any of the parties, or interfere with their privacy rights

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#### 5-6. TRIBUNAL DETERMINATION WITH ORAL HEARING

5-16.1 The tribunal members will normally set the time for the hearing within ten (10) business days after the processes described in Section 4 of this procedure have been completed. The Registrar (or designate) will inform the Appellant and the respondent of the date and time of the hearing. The Respondent and appellant are responsible for informing their witnesses (if applicable) of the date and time of the hearing. Efforts will be made to accommodate individual schedules, but rendering a timely decision is of primary importance.

6.2 The tribunal members should not discuss any matters related to the appeal with the Appellant and the Respondent prior to the hearing, for any reason. Any queries should be directed to handled by the Registrar (or alternate/designate).

#### Holding the Hearing

~~5-26.3~~ The tribunal chair should begin by introducing everyone and stating their role in the tribunal, including, but not limited to tribunal members, Appellant, Respondent, ~~and any~~ support person for the Appellant or Respondent.

~~5-36.4~~ A support person cannot be a witness and cannot speak during the hearing.

~~5-46.5~~ Third party witnesses will be asked to wait outside the room until they are called upon to present their evidence.

~~5-56.6~~ The Appellant, Respondent, or tribunal ~~will be entitled to the attendance of~~ ~~has appointed~~ legal counsel ~~their attendance is also permitted~~ at the hearing. The party must notify the Registrar (or ~~alternate/~~ designate) within a minimum of seven (7) calendar days that legal counsel will be present. This will allow for the other parties to obtain legal counsel if they choose. At the discretion of the Registrar (or ~~alternate/~~ designate), the hearing may be delayed to allow for the securing of legal counsel.

~~5-66.7~~ Tribunals will follow the principles of ~~natural justice~~ Procedural Fairness, with the Appellant and Respondent having the opportunity to present their argument and evidence. Tribunal members may question witnesses.

~~5-76.8~~ At the close of the hearing, the tribunal chair will indicate the approximate time length before a determination will be communicated.

~~5-86.9~~ The tribunal will decide on one of the following outcomes:

- a) Hear and uphold the original decision;
- b) Hear and uphold the original decision, but alter the penalty; or,
- c) Hear and replace the decision.

~~5-96.10~~ Within five (5) business days of the tribunal's determination, the tribunal chair will ~~send by~~ email ~~copies of~~ the written decision, based on the tribunal's findings which normally will include a brief rationale, to the Registrar (or ~~alternate/~~ designate), who will provide the decision to all relevant University parties. The Registrar (or ~~alternate/~~ designate) will provide the decision and rationale to the Appellant and Respondent ~~through via~~ email. The written decision and rationale will not prejudice any of the parties or interfere with their privacy rights.

## ~~6.7.~~ RECORD KEEPING

~~6-17.1~~ A record of the oral hearings will be kept. All material produced at the tribunal hearing, including the original appeal file and any notes, will be gathered by the tribunal chair and provided to the Registrar (or designate).

~~6-27.2~~ Appeal files and tribunal determinations are confidentially maintained by the Registrar's Office and in accordance with B.700 Privacy and Access to Information Policy. Records relating to the appeals proceedings will be kept for a period of no fewer than seven (7) years following the completion of all actions pertaining to a particular appeal. After this time, records may continue

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to be kept on file if deemed necessary by the Registrar's Office, and-or will otherwise be confidentially destroyed.

~~6.37.3~~ Records are not available to be copied or viewed by members of the University community unless required by the procedures listed in this document, or for the purposes of external legal proceedings, in accordance with B.700 Privacy and Access to Information Policy.

#### **7.8. ADMINISTRATIVE RESPONSIBILITY FOR THIS PROCEDURE**

The Registrar is responsible for managing and administering this procedure.

#### **9. RELATED POLICIES AND GUIDANCE**

S2018-01 Final Grade Appeal

S2017-05 Academic Integrity

B.701 Student Code of Conduct

B.401 Sexual Violence and Misconduct

E.702 Students Statement of Rights and Responsibility

B.700 Privacy and Access to Information Policy

#### **10. REFERENCES**


University Act, RBC 1996 s.35.2(5)(i)

Fairness by Design: An Administrative Fairness Assessment Guide. Canadian Council of Parliamentary Ombudsman (2022).

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 <b>CAPILANO UNIVERSITY</b>		<b>PROCEDURE</b>	
Procedure No.		Officer Responsible	
<b>B.109.1</b>		<b>Vice-President Academic and Provost</b>	
Procedure Name			
<b>Student Appeals</b>			
Policy This Procedure is Under			Date of Next Policy Review
<b>B.109 Student Appeals</b>			<b>2023</b>
Date Issued	Date Revised	Related Policies, Reference	
<b>November 6, 2018</b>		<b>S2018-01 Final Grade Appeal; S2017-05 Academic Integrity; B.701 Student Code of Conduct; B.401 Sexual Violence and Misconduct; E.702 Students Statement of Rights and Responsibility</b>	

## 1 OVERVIEW

- 1.1 The procedures set out in this document are designed to support the University’s Student Appeals Policy. All tribunal hearings will be guided by the principles of natural justice, and decisions based on the balance of probability. In particular, students have the right to:
  - 1.1.1 Know in advance the representation composition (role) of the tribunal;
  - 1.1.2 Make submissions to the Registrar (or designate) and tribunal in writing;
  - 1.1.3 Have an oral hearing in cases of suspension and/or expulsion by the President;
  - 1.1.4 Receive copies of all submissions made to the Registrar (or designate);
  - 1.1.5 Enter a written reply to all submissions; and,
  - 1.1.6 Receive a timely, written decision that gives a final disposition of the appeal.
- 1.2 These procedures govern the conduct of an appeal.
- 1.3 The tribunal’s determination is final, and there is no further right to appeal.

## 2 APPLICATION FOR APPEAL

- 2.1 The appellant submits a completed application to the Registrar (or designate) that includes the following information (form available online):
  - 2.1.1 A statement (description) of the appeal;
  - 2.1.2 The appellant’s contact information;
  - 2.1.3 The precise grounds for the appeal (see Policy Section 4.1);
  - 2.1.4 The important evidence that was missing, if applicable;
  - 2.1.5 The remedy sought;

- 2.1.6 Request for an oral hearing ONLY in cases of suspension and/or expulsion by the President;
  - 2.1.7 List of witnesses for the oral hearing, in cases of suspension and/or expulsion by the President;
  - 2.1.8 Name of appellant's counsel, if applicable;
  - 2.1.9 A copy of the decision being appealed; and
  - 2.1.10 Any documents the appellant wishes to submit to the tribunal as evidence in support of the appeal.
- 2.2 The deadline for submitting the application for appeal is within twenty-one (21) calendar days of the decision that is being appealed.

### **3 PROCEDURE FOR APPEAL APPLICATION**

- 3.1 Where the correspondence is electronic, it will be through the official Capilano University email.
- 3.2 An appellant must submit their completed application to the Registrar (or designate, as appointed pursuant to Section 5.2 of B.109 Student Appeal Policy) along with any supplemental materials. The Registrar (or designate) will review the application and will contact the appellant, through email, of any deficiencies in the application. These deficiencies must be corrected within the stated timeframe determined by the Registrar (or designate), or the application will be deemed incomplete and the appeal will not be heard.
- 3.3 Once the Registrar (or designate) has determined the application is complete, they will determine if the application has met one of the stated grounds found in the Policy. If the appellant has failed to advance any arguments to support their specified grounds for appeal, the Registrar (or designate) will dismiss the application for appeal. The appellant will be notified, through email, of this determination and the reasons why their application was dismissed, if applicable.
- 3.4 If the appellant has not complied with the required timelines and there is no valid reason to explain the delay, the Registrar (or designate) may also dismiss the application for appeal. The appellant will be notified, through email, of this determination.
- 3.5 If the Registrar (or designate) determines that the application for appeal is complete and it has valid grounds, the Registrar (or designate) will forward the appellant's application to the respondent within five (5) business days.
- 3.6 Within ten (10) business days of the receipt of the appellant's application, the respondent will deliver to the Registrar (or designate) any documents the respondent wishes to submit to the tribunal as evidence in support of their position, and any response to the claims made by the appellant.

- 3.7 Within five (5) business days of the respondent submitting their materials to the Registrar (or designate), the Registrar (or designate) will forward this information to the appellant. The appellant will have ten (10) business days to submit any material in response to the respondent to the Registrar (or designate).
- 3.8 After the appellant addresses the respondent's material, all materials collected by the Registrar (or designate) will be considered the appeal file.
- 3.9 Once the appeal file is complete, the Registrar (or designate) will form a tribunal (see Policy), taking into consideration the following:
  - 3.9.1 Whether the appeal is academic or non-academic in nature;
  - 3.9.2 Any conflicts of interest or perceptions of conflicts of interest;
  - 3.9.3 Whether a request is made for an oral hearing in cases of suspension or expulsion;
  - 3.9.4 The availability and workload of each SAC member; and
  - 3.9.5 Whether a SAC member is currently serving on a tribunal or tribunals.
- 3.10 Once the tribunal members are determined, the Registrar (or designate) will arrange for the tribunal members to receive a copy of the appeal file. The tribunal members will select a tribunal chair as stated in the policy.
- 3.11 The tribunal will meet within ten (10) business days of receipt of the appeal file.

#### **4 TRIBUNAL PROCEDURES WITH HEARINGS**

- 4.1 Each tribunal member will review the completed appeal file separately prior to its initial meeting. Normally, this will be completed within five (5) business days of receiving the appeal file.
- 4.2 Tribunal members may request further materials through the Registrar (or designate) prior to the initial meeting. Such requests will be reviewed by the Registrar (or designate) who will determine if the requested evidence should be made available, based on the principles of natural justice.
- 4.3 If new evidence is obtained, a copy must be provided to both parties who must be given an opportunity to respond to the new material if they wish. The unavailability of the evidence will not delay the hearing process.
- 4.4 Tribunal members should not seek out any extra information themselves, but judge the case based on the evidence contained within the appeal file.
- 4.5 The tribunal members may, as a group, seek clarification on Capilano University policies and natural justice procedures from the Registrar (or designate) or the Manager, Policy, Privacy and Governance.

## **5 TRIBUNALS WITH NO ORAL HEARINGS**

- 5.1 The tribunal members will normally set the time for the hearing within ten (10) business days after Section 4 is complete.
- 5.2 The tribunal will decide on one of the following outcomes:
  - 5.2.1 Hear and uphold the original decision;
  - 5.2.2 Hear and uphold the original decision, but alter the penalty; or,
  - 5.2.3 Hear and replace the decision.
- 5.3 Within five (5) business days of the tribunal's determination, the tribunal chair will send copies of the written decision, which normally will include a brief rationale, to the Registrar (or designate), who will provide the written decision to all relevant University parties. The Registrar (or designate) will provide the written decision and rationale to the appellant and respondent. The written decision and rationale will not prejudice any of the parties, or interfere with their privacy rights.

## **6 TRIBUNAL DETERMINATION WITH ORAL HEARING**

- 6.1 The tribunal members will normally set the time for the hearing within ten (10) business days after Section 4 is complete. The Registrar (or designate) will inform the appellant and the respondent of the date and time of the hearing. The respondent and appellant are responsible for informing their witnesses (if applicable) of the date and time of the hearing. Efforts will be made to accommodate individual schedules, but rendering a timely decision is of primary importance.
- 6.2 The tribunal members should not discuss any matters related to the appeal with the appellant and the respondent prior to the hearing, for any reason. Any queries should be handled by the Registrar (or designate).

### Holding the Hearing:

- 6.3 The tribunal chair should begin by introducing everyone and stating their role in the tribunal, including, but not limited to tribunal member, appellant, respondent, the support person for the appellant or respondent.
- 6.4 A support person cannot be a witness and cannot speak during the hearing.
- 6.5 Third party witnesses will be asked to wait outside the room until they are called upon to present their evidence.

- 6.6 The appellant, respondent, or tribunal will be entitled to the attendance of legal counsel at the hearing. The party must notify the Registrar (or designate) within a minimum of seven (7) calendar days that legal counsel will be present. This will allow for the other parties to obtain legal counsel if they choose. At the discretion of the Registrar (or designate), the hearing may be delayed to allow for the securing of legal counsel.
- 6.7 Tribunals will follow the principles of natural justice, with the appellant and respondent having the opportunity to present their argument and evidence. Tribunal members may question witnesses.
- 6.8 At the close of the hearing, the tribunal chair will indicate the approximate time length before a determination will be communicated.
- 6.9 The tribunal will decide on one of the following outcomes:
  - 6.9.1 Hear and uphold the original decision;
  - 6.9.2 Hear and uphold the original decision, but alter the penalty; or,
  - 6.9.3 Hear and replace the decision.
- 6.10 Within five (5) business days of the tribunal's determination, the tribunal chair will send by email copies of the decision, which normally will include a brief rationale, to the Registrar (or designate), who will provide the decision to all relevant University parties. The Registrar (or designate) will provide the decision and rationale to the appellant and respondent though email. The written decision and rationale will not prejudice any of the parties or interfere with their privacy rights.

## **7 RECORD KEEPING**

- 7.1 A record of the oral hearing will be kept. All material produced at the tribunal, including the original appeal file and any notes, will be gathered by the Tribunal Chair and provided to the Registrar (or designate).
- 7.2 Appeal files and tribunal determinations are confidentially maintained by the Registrar's Office. Records relating to the appeals proceedings will be kept for a period of no fewer than seven (7) years following the completion of all actions pertaining to a particular appeal. After this time, records may continue to be kept on file if deemed necessary by the Registrar's Office, and will otherwise be confidentially destroyed.
- 7.3 Records are not available to be copied or viewed by members of the University community unless required by the procedures listed in this document, or for the purposes of external legal proceedings.

## SENATE REPORT

<b>AGENDA ITEM:</b>	<b>Membership – Senate Curriculum Committee and Senate Academic Planning and Review Committee</b>
<b>PURPOSE:</b>	<input checked="" type="checkbox"/> <b>Approval</b> <input type="checkbox"/> <b>Information</b> <input type="checkbox"/> <b>Discussion</b>
<b>MEETING DATE:</b>	<b>August 20, 2024</b>
<b>PRESENTERS:</b>	<b>Corey Muench, Chair; Senate Bylaw, Policy, and Procedure Committee Tracy Penny Light, Interim Vice President Academic and Provost</b>

*The proponent submitted the following with some additional edits by the SBPPC Chair:*

### **PURPOSE**

To seek the Senate’s approval of a change to the membership of the Senate Curriculum Committee and the Senate Academic Planning and Review Committee to allow the participation of a designate for the Vice President Academic and Provost (VPA) as determined by the VPA when deemed necessary or useful. The designate would typically be the Vice Provost and Associate Vice President Academic (AVPA) and would act as a voting member in the same way that the VPA acts as a voting member on these two committees.

### **BACKGROUND**

With the creation of the AVPA position in 2022 (position first commenced June, 2022), the roles and responsibilities therein include several key aspects of academic governance and academic quality in support of the overall mandate and executive responsibilities of the VPA. Given the scope and size of Capilano University, it is often challenging to have the VPA in all committee meetings of these two Senate standing committees as a voting member. Affording the ability of the VPA to assign a designate would facilitate more effective senior academic leadership participation aligned with overall goals and activities of the portfolio in any given year, and in service to Senate and its sub-committees. Additionally, the AVPA is well versed in academic governance processes, and leads activity directly related to academic quality (e.g., oversight of new program development, unit review, strategic enrolment management, etc.). Designation may be by meeting or for a period of time (e.g., annually) or a combination. When neither the VPA or AVPA are available, other members of the senior leadership who have knowledge of curriculum and academic program matters could be assigned as the designate.

A review of a select number of other universities evidence various approaches to Senate committee membership. What follows is an overview of some, noting that committees’ terms of reference and mandates do not exactly mirror those of CapU subcommittees:

	Committee	Vice President Academic & Provost designate
University of the Fraser Valley	Undergraduate Education (curriculum function)	Yes (non-voting)
	Academic Planning and Priorities	No

Emily Carr University	Not applicable/no associate vice president academic	N/A
Vancouver Island University	Curriculum Committee	No
	Planning and Priorities	No
Kwantlen Polytechnic University	Curriculum – VPA or designate	Yes
	Academic Planning and Priorities – VPA or designate	Yes
	Program Review – AVPA or designate (VPA or designate non-voting)	Yes (non-voting)
University of Northern British Columbia	Curriculum and Calendar	N/A (Provost not part of the membership)

### APPROVALS AND CONSULTATIONS


- Consultation has occurred with the current chairs of the Senate Curriculum Committee and the Senate Academic Planning and Program Review Committee, and they are in agreement with this proposed change.
- Senate Bylaw, Policy, and Procedure Committee, May 28, 2024.

### DOCUMENTS FOR REVIEW

- **S1998-01 Senate Curriculum Committee Mandate and Structure** (no change of language needed due to the general nature of the description of administrative committee members for SCC)
- **S1998-01 Senate Academic Planning and Program Review Committee Mandate and Structure** (language change noted in the document)

### RECOMMENDATION

*That the Senate approve the practice of the Provost and Vice President Academic (VPA) selecting a designate, normally the Vice Provost and Associate Vice President Academic, as needed, to attend meetings of both the Senate Academic Planning and Program Review Committee (SAPPRC) and the Senate Curriculum Committee (SCC). The designate would have voting privileges on both committees just as the VPA does.*

 <b>CAPILANO UNIVERSITY</b>		<b>POLICY</b>	
Policy No.	Officer Responsible		
<b>S1998-01</b>	<b>Senate</b>		
Policy Name			
<b>Senate Curriculum Committee Mandate and Structure</b>			
Approved by	Replaces	Category	Next Review
<b>Senate</b>			<b>2021</b>
Date Issued	Date Revised	Related Policies, Reference	
<b>December 1998</b>	<b>November 2016</b>		

### 1. REPORTING

The Senate Curriculum Committee (SCC) is a standing Committee of Senate that makes recommendations to Senate.

### 2. MANDATE

- To review all course and program proposals and revisions to ensure that programs are consistent with the mission and goals of the University.
- To ensure that all programs and courses meet acceptable standards.
- To ensure that courses and programs follow Senate policy.

### 3. MEMBERSHIP

#### Members

Twenty-Five members including the Chair or Vice-Chair of Senate

The voting members consist of:

Fourteen faculty members (voting), one from each of the following areas will be solicited through Deans' Advisory Committees and recommended to Senate for appointment:

Humanities  
 Social Sciences  
 Science, Technology, Engineering and Mathematics  
 Motion Picture Arts  
 Design  
 Performing Arts  
 Business, International Programs, Projects and Partnerships  
 Applied Business, Legal Studies, Communications  
 Tourism and Outdoor Recreation Management  
 Health and Education  
 Global Stewardship, Public Administration & Human Kinetics  
 Access and Academic Preparation



Library  
Student Services

Three Students (voting), each from a different Faculty, will be solicited from the CSU, the wider student body, and/or Senate, and recommended to Senate for appointment.

Four Administrators (voting), Deans or Vice-Presidents, appointed by the President

Four Resource Members *ex officio* (voting):

Registrar  
One Academic Advisor  
Director of Continuing Studies & Executive Education  
Chair or Vice-Chair of Senate

### **Terms of Office**

#### Faculty members

Each Faculty member appointed by Senate serves a two-year term, beginning and ending on August 15th. In order to assure that faculty members have teaching schedules allowing them to attend SCC meetings, appointments to SCC will be made at the March Senate meeting in the year that the current member's term expires. Faculty members may serve consecutive terms.

#### Substitutes for Faculty Members

A substitute may attend in place of a faculty member who is unable to attend a Curriculum Committee meeting. The substitute must be from the same School as the absent faculty member. The substitute will have full voice, but no vote at the meetings.

#### Student members

Student members serve a one-year term beginning and ending on August 15<sup>th</sup>. Student members may be reappointed for subsequent terms.

#### Administrators

Administrators serve until the President replaces them with a new appointment.

### **The Chair**

The Chair will be a member of Senate who is elected by the SCC from among its members for a two-year term. The Chair is normally non-voting, but may vote to create or break a tie. The duties of the Chair are as follows:

1. To chair the monthly meetings of SCC, to prepare agendas, and to ensure that the recommendations of the SCC are taken to Senate.
2. To ensure that information about the approval processes is kept up-to-date and distributed.

### **The Vice-Chair**

The Vice-Chair shall fulfill the duties of the Chair in his/her absence, and shall assist the Chair in his/her duties.

#### **4. CONDUCT OF MEETINGS**

##### **Schedule**


Monthly and preferably two weeks before the Senate meeting.

##### **Quorum**

Ten voting members (including the Chair).

##### **Visitors to Meetings**

Meetings are usually open to visitors whom the Chair may recognize to speak to specific issues.

 <b>CAPILANO UNIVERSITY</b>		<b>POLICY</b>	
Policy No.	Officer Responsible		
<b>S2011-01</b>	<b>Senate</b>		
Policy Name			
<b>Senate Academic Planning and Program Review Committee</b>			
Approved by	Replaces	Category	Next Review
<b>Senate</b>			<b>2021</b>
Date Issued	Date Revised	Related Policies, Reference	
<b>June 2011</b>	<b>May 2016</b>		

### 1. PURPOSE

The Senate Academic Planning and Program Review Committee (SAPPRC) is a standing committee of Senate and makes recommendations to Senate.

### 2. MANDATE

- To review and make recommendations on program and course review.
- To review performance measure data and recommend needed actions.
- To review and make recommendations on matters of academic planning.

### 3. MEMBERSHIP

#### The Chair

The Chair will be a member of Senate who is elected by SAPPRC for a one-year term. The duties of the Chair are as follows:

- To chair the meetings of SAPPRC, to prepare agendas, and to ensure that the recommendations of the SAPPRC are taken to Senate.

#### Members

The voting members consist of:

- fifteen members appointed by Senate as follows:
  - Chair of Senate
  - Vice-chair of Senate (see Bylaw Article 8.2)
  - Fourteen additional members, which includes:
    - Eight faculty members, which will include at least one faculty member from each Faculty
    - Two staff members
    - Two students
    - VP Academic & Provost (or designate)
    - One Dean

**Resource Members**

The non-voting members consist of:

- Two additional administrators are invited to sit on the committee as non-voting members; and,
- The Manager of Institutional Research (or designate) is invited to sit on the committee as a non-voting member

**Term of Office**

Each member is appointed annually. If vacancies occur, appointments are made to complete the term.

**4. CONDUCT OF MEETINGS****Schedule**

At least once per month during the Fall and Spring semesters.

**Quorum**

A majority of voting members

**Tie Votes**

In the event of a tie, the Chair may vote to break the tie.

**Visitors to Meetings**

Meetings are usually open to visitors whom the Chair may recognize to speak to specific issues.



**SENATE CURRICULUM COMMITTEE  
RESOLUTION MEMO**

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**DATE:** June 17, 2024  
**TO:** Paul Dangerfield, Chair, Senate  
**FROM:** Deb Jamison, Chair, Senate Curriculum Committee

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The following motions were carried by the Senate Curriculum Committee at its meeting on June 14, 2024:

- 24/47** The prerequisite revisions to MATH 336 – Applied Graph Theory and Optimization be recommended to Senate for approval.
- 24/48** The new courses, CRIM 310 – Green Criminology and CRIM 311 – Restorative and Transformative Justice, as well as Cap Core designation under the heading *Self and Society*, be recommended to Senate for approval.
- 24/49** The revisions to the Course Notes for TOUR 112 – Tourism Marketing I and BMKT 203 – Introduction to Marketing and the prerequisite revisions to TOUR 328 – International Destination Marketing and TOUR 351 – Tourism Consumer Behaviour be recommended to Senate for approval.
- 24/50** The new course, EDUC 111 – Being with American Sign Language in Pedagogical Contexts, as well as Cap Core designation under the heading *Culture and Creative Expression*, be recommended to Senate for approval.
- 24/51** The revisions to the admission requirement (basis of admission) of the Bachelor of Music Therapy Degree program profile be recommended to Senate for approval.
- 24/52** The Senate Curriculum Committee has reviewed the proposed updates to the Paralegal Diploma admission requirements as presented and recommends them for Senate approval in alignment with policies S2024-01-01 and B1.06-02, which are silent on retroactive updates to pre-existing programs of study.
- 24/53** The prerequisite revisions to BADM 210 – Business Statistics, BMKT 360 – Marketing Research, and BMKT 364 – Consumer Behaviour, as well as removing the Cap Core designation of Self and Society and replacing it with Culture and Creative Expression to IBUS 255 – Cross-Cultural Business, be recommended to Senate for approval.
- 24/54** The revisions to the Post-Baccalaureate Certificate in Financial Planning and the Post-Baccalaureate Diploma in Financial Planning program profiles be recommended to Senate for approval.



**SENATE CURRICULUM COMMITTEE  
RESOLUTION MEMO**

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**24/55** The new credential, Certificate in Entrepreneurship, be recommended to Senate for approval.

**24/56** The August 16, 2024 SCC meeting be moved to August 23, 2024.

  
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Deb Jamison, Chair  
Senate Curriculum Committee

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Paul Dangerfield  
Chair, Senate

Date: June 17, 2024

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Date: