

Policy

APPEALS TO THE BOARD OF GOVERNORS POLICY

Number: GV 5

Classification: Governance

Approving Authority: Board of Governors

Designated Executive Officer: President

Effective Date: November 16, 2023

Supersedes: Guideline for the Conduct of an Appeal Under Section 60(3) of the University Act (2002)

Date of Last Review/Revision: August 2023

Mandated Review Date: September 2030

Associated Procedures: *Appeals to the Board of Governors Procedures and Board of Governors Appeals Committee Terms of Reference*

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1.0 BACKGROUND

- 1.1 Pursuant to section 60(3) of the *University Act* regarding an employee suspended by the president of the University, the suspended employee has the right of appeal to the Board of Governors (Board).
- 1.2 Approved policies of the University of Northern British Columbia (UNBC) may also include right of appeal to the Board.

2.0 PURPOSE

This purpose of this Policy is to ensure expeditious access to a Board appeal process, as required by legislation or University policy.

3.0 PRINCIPLES

- 3.1 The Board is a body established by statute which is granted certain statutory powers of decision. These powers must be exercised in conformity with the principles of natural justice and administrative fairness.
- 3.2 An individual or party appealing to the Board will know the case against them and have a fair and full opportunity to respond to that case before the Board reaches a decision.
- 3.3 The right of appeal under section 60(3) of the *University Act* is unconditional.
- 3.4 Appeals under University policies may be conditional or unconditional, based on the specific policy.
- 3.5 If an appeal is taken by an Employee or other Party eligible to appeal under policy, it will be heard by the Board.
- 3.6 The Board will act to hear such appeals expeditiously.

4.0 SCOPE

This policy applies to all members of the teaching and administrative staffs and any officer or employee of the University.

5.0 DEFINITIONS

- 5.1 **Principles of natural justice and administrative fairness** refer to principles and processes that are open and transparent and that ensure timely and fair investigations and hearings, well informed and unbiased decisions by qualified Decision Makers, adequate notice and access to information to be relied on or that is relevant to decisions, and the rights of a person subject to allegations to have sufficient and timely information about those allegations and the opportunity to reasonably and fully respond.

6.0 POLICY

6.1 Board of Governors Appeals Committee

6.1.1 Composition

- i. The Board of Governors Appeals Committee membership is comprised as follows:
 - a. Vice-Chair of the Board of Governors (Chair the Committee); and
 - b. Three (3) additional OIC members of the Board.
- ii. The President cannot be a member of the Committee, participate in the Board's deliberations, nor communicate with Board members about the appeal except as established by this Policy and its corresponding Procedures.

6.1.2 Subject to the Committee having a quorum when it meets, vacancies on the Committee do not prevent it from meeting to consider an appeal.

6.1.3 Members of the Committee, other than the Chair, are appointed by the Board for a term of up to three years. Members may be re-appointed.

6.1.4 Committee members are provided appeals hearing training.

6.1.5 Terms of Reference for the Appeals Committee are established by the Board and reviewed regularly as part of policy review.

6.4 Jurisdiction

6.4.1 An appeal brought to the Committee must be based on section 60(3) of the *University Act*, or on applicable University policies or collective agreements.

6.4.2 The Committee does not re-hear matters.

6.5 Board Decision is Final

6.5.1 The Committee makes a recommendation to the Board as to the outcome of the appeal.

6.5.2 The Board's decision on an appeal is a final disposition of that appeal with no further right of appeal to any body at the University.

7.0 REPORTING

N/A

8.0 AUTHORITIES AND OFFICERS

The authorities and officers for this policy are as follows:

Approving Authority: Board of Governors

Designated Executive Officer: President

Procedural Authority: Board of Governors

Procedural Officer: Senior Governance Officer

9.0 RELEVANT LEGISLATION

[*University Act*](#), RSBC 1996 C 468

10.0 RELATED POLICIES AND OTHER ASSOCIATED DOCUMENTS

10.1 *Appeals to the Board of Governors Procedures*

10.2 *Terms of Reference for Appeals Committee*