



Procedures for Educational Decisions Appeals

Parent Policy:	<i>Educational Decisions Appeals Policy</i>		
Procedure Reference	EDAPR_2401N_SPN/PVPA		
Procedure Sponsor:	Provost and Vice President Academic		
Procedure Contact:	Registrar or Dean or Director from the Program Area		
Stakeholders:	Students and Employees		
Approved by:	Provost and Vice President Academic		
Effective Date:	May 1, 2024		
Last reviewed:	February 2024	Scheduled review date:	February 2028

1. Purpose

This procedure outlines the processes for Students to follow when appealing Educational Matters decisions that affect their access to education or academic progress. This procedure also provides the steps to follow when appealing to the Final Appeals Tribunal.

2. Scope and Application

This procedure applies to Students and Employees who are involved in educational decision appeals. All procedures will be undertaken in compliance with principles of Natural Justice / Procedural Fairness.

3. Procedures

Step 1 - Informal Resolution

- 3.1 Wherever possible, a Student should attempt to informally resolve a concern about decisions involving access to education or academic progress with the instructor, department chair or Associate Registrar responsible for making the original decision.
- 3.2 Student will normally request an informal resolution meeting within 10 Business Days of receiving the original decision. If there is no resolution achieved at this meeting, Students may proceed to Step 2 – Formal Appeal.

Step 2 – Formal Appeal

- 3.3 A Student must submit a *Request for Review - Educational Decision Appeal* form to the Registrar's Office or to the Dean/Director's Office that clearly states the grounds for the

request and the desired outcome along with supporting documentation within ten (10) Business Days from the Informal Resolution meeting date.

- 3.4 The Registrar or Dean/Director may then contact the Student and any College employee(s) named in the *Request for Review* form to provide additional information.
- 3.5 The Registrar or Dean/Director will approve or deny the Student's request and inform the Student in writing within ten (10) Business Days of receiving the request.
- 3.6 Students may seek out and include appropriate student services assistance and/or a Support Person as they go through the processes outlined under the Educational Decisions Appeal procedure. A Support Person can be present for consultation and support, but they cannot answer on behalf of the Student, and they cannot be acting in a legal capacity.
- 3.7 Decisions by the Registrar and Deans/Directors are final. Where Students believe there are grounds of unfair or biased process, Students may appeal the final decision to the Final Appeal Tribunal.

4. Final Appeals Tribunal

- 4.1 The composition of the Final Appeals Tribunal (Tribunal) will be:
 - a) Provost and Vice President Academic (Chair)
 - b) One Student registered in a credential program
 - c) Three instructional employees
- 4.2 Tribunal members must not have been involved with the Student or the matter under appeal in any previous review to avoid a conflict of interest or perceived conflict of interest. The Chair of the Tribunal is responsible to ensure all participating Tribunal members are free of conflict of interest. If the Chair of the Tribunal is in a conflict of interest, a replacement shall be named by the Chair of Education Council and a temporary Chair of the Tribunal shall be elected by the Tribunal.
- 4.3 All members of the Tribunal shall be voting members (with one vote each). A majority vote will decide the appeal.
- 4.4 A Student wishing to initiate a review by the Tribunal must submit a written notice of appeal to the Provost and Vice President Academic or their designate within ten (10) Days of the Student's receipt of a decision from the Dean/Director or Registrar.
- 4.5 The written submission must:
 - a) identify the specific grounds upon which the Student alleges their appeal or other process was not procedurally fair and impartial, including a chronological statement of the factual circumstances supporting the stated grounds for the appeal.
 - b) include copies of any related documents or documents upon which the Student intends to rely on before the Tribunal.
 - c) provide the names of any persons whose conduct the appealing Student alleges was not fair or impartial.
 - d) other information or materials as the Student deems appropriate in the circumstances.
- 4.6 Within five (5) Business Days, the Provost and Vice President Academic and the Chair of Education Council or designate will conduct a Grounds Review to determine if procedure unfairness has occurred. The Provost may request information on the appeal grounds from the relevant employees involved in the appeal process. The Student will not attend this meeting.

- 4.7 If there is a determination of "no grounds" the appeal will be denied, and the Student will be notified.
- 4.8 If there is a determination of "ground for appeal", the Provost and Vice President Academic will convene a Final Appeal Tribunal committee and schedule a hearing within 10 Business Days and notify the Student and Dean/Director or Registrar of the hearing date. Students must attend the hearing.
- 4.9 Students may seek out and include appropriate Student services assistance and/or a Support Person as they go through the Final Appeal Tribunal processes. A Support Person can be present for consultation and support, but they cannot answer on behalf of the Student, and they cannot be acting in a legal capacity. The Student must inform the Chair of the Tribunal who they will be bringing three Days in advance of the hearing date.

5. Final Appeal Tribunal Hearing

- 5.1 The hearing panel will hold a pre-hearing meeting in advance of the scheduled hearing. This meeting will give the panel an opportunity to:
 - a) Review the case.
 - b) Consider relevant avenues of questioning.
 - c) Resolve special considerations.
 - d) Consider Support Person participation.
 - e) Discuss any other relevant matters.
- 5.2 The order of the hearing is as follows:
 - a) Review the statement of appeal.
 - b) The Student will be given five (5) minutes to present their statement.
 - c) Any relevant employees required for the hearing will be given five (5) minutes to present a statement.
 - d) There will be a facilitated question period. The Panel will be given an opportunity to probe further, and both the Student and any relevant employees will be given an opportunity to respond.
 - e) Both the Student and relevant employees will be given an opportunity to provide a closing statement.
 - f) The hearing will close, and the Panel will deliberate and come to a decision that will be communicated in writing within ten (10) Business Days. The Tribunal shall provide the Student with a synopsis of the reasons for its decision.
- 5.3 The Tribunal may designate or make use of additional steps or procedures which, in the discretion of the Tribunal, are deemed appropriate in the circumstances to ensure the Student has had a full and fair opportunity to be heard and to put forward the basis for the appeal. The Tribunal may, for example:
 - a) extend the recommended time frames set out above.
 - b) request further information or materials from the Student or another person.
 - c) request submissions from or attendance by additional persons at a further hearing date; and
 - d) make such enquiries or investigations as it considers appropriate in the circumstances.
- 5.4 The Tribunal shall not entertain submissions from the Student on new grounds for appeal which were not identified in the Student's notice of appeal.

- 5.5 The Tribunal shall arrive at a decision regarding the Student's appeal based on a majority vote.
- 5.6 When the Tribunal allows a Student's appeal it must send the matter back to the Dean or Registrar for re-hearing in a manner which is fair and impartial.
- 5.7 When the Tribunal denies a Student's appeal its decision is final and binding on the Student and is not open to question, review, or appeal in any other forum.
- 5.8 All documentation related to the Appeal Tribunal hearing, including any notes made by Appeal Tribunal members, will be kept by the Registrar's Office for a period of two (2) calendar years, after which all records of the appeal hearing(s) will be destroyed.

6. Related Acts and Regulations

College and Institute Act

7. Supporting References, Policies, Procedures and Forms

Education Decisions Appeal Policy

History / Revisions

Date	Action
2024-02-01	<i>New Procedure Approved by Education Council (future approvals by Policy Sponsor): Procedures for Education Decision Appeals</i> Replaces OC Calendar: General Appeals on Academic Standing (including Final Appeal Tribunal)