

APPEAL OF EDUCATIONAL DECISIONS POLICY

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A. PURPOSE

This document outlines the principles that govern student appeals of decisions that relate to Educational Policies at Douglas College.

B. SCOPE (DEPARTMENTS AND/OR PARTIES TO WHICH THIS POLICY APPLIES)

- Chairs/Coordinators
- Deans/Associate Deans/Directors
- Education Council
- Enrolment Services
- Faculty Members
- Staff Members
- Student Affairs and Services (i.e., Counselling, Accessibility Services, Indigenous Student Services)
- Students
- Vice President, Academic and Provost



C. DEFINITIONS

Appeal Support Person: Is a member of the College community who, owing to their knowledge of College policy and procedures and familiarity with students' interests, is able to offer confidential support to a **student** during an appeal of an educational decision and who may, upon request, accompany the **student** to an **Educational Appeals Committee** hearing. An Appeal Support Person is one of the following:

- Counsellor
- Accessibility Specialist
- Indigenous Student Services staff
- Douglas Students Union Ombudsperson

Education Council Appeal Tribunal: The final level of appeal of educational policies or practices.

Educational Appeals Committee: The committee that hears student appeals concerning College educational decisions where a resolution was not reached in Stage I.

Grounds Review: An assessment of the reasons for the appeal to determine whether further action is warranted.

Natural Justice: Principles or rules designed to ensure that appeal decisions are made free of bias and are procedurally fair. Such principles require, for example, that all impacted parties be given adequate notice of appeal proceedings, disclosure of all materials submitted, and reasonable opportunity to present a case.

Responsible Administrator: The administrator responsible for the Faculty involved in the appeal. Depending on the scope of the appeal, this may be the College Registrar or Associate Registrar, the Dean or Associate Dean of a Faculty or the Director of Student Affairs and Services.

Student: For the purposes of this policy, an individual who has been accepted to the College and has an active student number. A student remains active for one calendar year after the student's last registered semester.

D. POLICY STATEMENTS

Douglas College is committed to the principle of fair and equitable policies and practices, and holds itself accountable for educational decisions made by its departments/programs and employees that affect students' access to and progression through their programs. Therefore, students have the right to appeal educational decisions and practices when it is believed that the College has not applied this principle. This policy outlines the range of educational decisions that can be appealed and the appropriate avenue of appeal in each case. All stages of the appeal process will be carried out in accordance with the principles of natural justice; however, the procedures within this policy do not constitute a judicial process.

Students may appeal educational decisions that relate to policies involving:

D1. Decisions about matters involving Enrolment Services. These include (but are not limited to) the following:

- Late course withdrawals
- Late course additions
- Maximum number of registrations/course repeats for individual courses
- Recognition of transfer credit
- Time limits for completion of credentials
- Credential residency requirements

D2. Decisions that affect students' access to education and/or academic progress. These include (but are not limited to) the following:

- Access to practicum, clinical or work experience placements
- Continuation/progression in or graduation from a program
- Academic Integrity violations

Students may consult with an Appeal Support Person for assistance with understanding the Appeal of Educational Decisions Policy and with preparing a written submission, where appropriate. Students appealing decisions under this policy are not permitted to continue in their course work if a Responsible Administrator determines that there is a safety concern.

LIMITATIONS

This policy applies specifically to decisions based in Educational Policies and is not applicable to those associated with Administration Policies or Board Policies, including requests for refunds of tuition and fees.

For information about student appeals of final grades in credit courses, students must refer to the Appeal of Final Grades Policy.

The Appeal of Educational Decisions Policy does not apply to decisions relating to behaviours that are seen to pose a threat to another individual or the broader College community, including decisions to discipline, suspend or expel a student for alleged or confirmed instances of student misconduct of a violent and/or sexual nature, or that are deemed to be discriminatory, intimidating or hostile (see College Student Conduct policies).

Any appeal of an educational decision is distinct from a complaint about the quality or delivery of a course or program. Such complaints can be made, in writing, to the Responsible Administrator of the department involved.



Where a student wishes to appeal an educational decision in addition to submitting a complaint or an appeal under another policy, the Responsible Administrator will determine which process will be completed first.

An appeal initiated by a student who has been suspended from Douglas College must still follow the timelines of this policy but the appeal will not be heard until the student has been reinstated. It will then be the responsibility of the student to reactivate the appeal within thirty (30) calendar days following the completion of the suspension.

E. PROCEDURES

The deadline for appealing an educational decision is 30 calendar days following the end of the term in which the original educational decision was made. However, the 30-day deadline may be extended in certain circumstances by the Responsible Administrator or Registrar.

Note: Please see Appendix A for Appeal of Educational Decisions Process Flowcharts.

STAGE I - PRELIMINARY PROCESS

Appealing decisions about matters involving Enrolment Services (as noted in D1 above)

A student must submit a Request for Exception form that clearly states the grounds for the request and the desired outcome along with supporting documentation. Request for Exception forms and a list of accepted documentation are located on the Douglas College website.

All documentation must be submitted to Enrolment Services for review by the Responsible Administrator. The student and any College employee(s) named in the Request for Exception may then be contacted to provide additional information.

The Responsible Administrator will approve or deny the student's request and inform the student in writing.

Appealing decisions about access to education and/or academic progress (as noted in D2 above)

Wherever possible, a student should attempt to resolve a concern about decisions involving access to education and/or academic progress informally, by meeting with the department/program involved, ideally with the individual responsible for making the original decision (e.g., the course instructor or the department Chair or Coordinator).

If resolution cannot be reached, the student may request a review by the Responsible Administrator. Supporting documentation is required from the student at this time. Additional information may be requested from the student.

The Responsible Administrator will seek information from the individual responsible for making the original decision and may request any additional documentation or information they deem relevant to the appeal which will be provided in a timely manner. The Responsible Administrator may request a



review of materials and case with experts not involved in the decision/situation with the intent of advising the Responsible Administrator

The Responsible Administrator will approve or deny the request and notify the student in writing.

Following this notification, any new information that becomes available within 10 business days may be submitted to the Responsible Administrator, who will then determine whether this will lead to reconsideration of the original appeal decision.

STAGE II - APPEAL TO THE EDUCATIONAL APPEALS COMMITTEE

If a request for exception is denied by a Responsible Administrator in Stage I, a student may appeal to the Educational Appeals Committee (see Appendix B: Educational Appeals Committee). Appeals must be submitted in writing and include grounds for the appeal based on any of the following:

- Policy was incorrectly applied
- Important evidence was missing or not considered
- Due process was not followed
- The decision was inconsistent with the principles of natural justice

Dissatisfaction with the decision of the Responsible Administrator is not a ground for review.

PROCESS

The student must submit an Appeal of an Educational Decision form (available at Enrolment Services or Student Affairs and Services) along with documentation supporting the grounds for the appeal to the Registrar within ten (10) business days of receiving the Responsible Administrator's decision in Stage I.

The Registrar will review the appeal to determine if there are grounds for a hearing.

If the Registrar determines that there are grounds for a hearing, the student, Responsible Administrator, and any relevant employee(s) will be informed that an appeal is in process. This step must be completed within ten (10) business days.

Once the relevant employee(s) have been informed of the appeal, they have ten (10) business days to submit a response to the Registrar.

The Registrar, as Educational Appeals Committee Chair, will then convene a hearing within fifteen (15) business days of receiving all documentation submitted by the student and employee(s) named in the appeal. Requests for extensions to deadlines, by either party, must be submitted in writing to the Committee Chair and will not be unreasonably denied.

All documentation and relevant College policies or regulations to be considered will be made available to the student electronically, and to all other parties to the appeal, in hard copy, at least ten (10) business days prior to the appeal hearing. Any new documentation submitted after this time may be admissible during the hearing only with the Chair's approval.



The Committee will seek information from the individual responsible for making the original decision and the Responsible Administrator.

Note: College employee(s) named in the appeal may or may not be required to attend the formal appeal hearing on their own behalf, but they retain the right to do so.

Students are expected to conduct their own appeals. **The Appeal Support Person may assist the student in ensuring clarity and completeness of their presentation, but do not present on behalf of the student.**

The hearing will be recorded. The Committee's deliberations will be in camera and not recorded.

The Committee Chair will send written notification of the appeal decision to the student and Responsible Administrator within five (5) business days of the appeal hearing.

In the event of a successful appeal, the Responsible Administrator who oversees the College unit out of which the appealed decision originated is responsible for ensuring compliance with the Committee's decision.

An appeal will automatically be denied if the student does not attend and does not give reasonable notice of inability to attend.

STAGE III – APPEAL TO THE EDUCATION COUNCIL APPEAL TRIBUNAL

If an appeal of an educational decision is denied by the Educational Appeals Committee, the student may appeal to the Education Council Appeal Tribunal. The grounds for a review by the Education Council Appeal Tribunal are as follows:

- Due process was not followed in Stages I or II
- The Appeal of Educational Decisions Policy was incorrectly applied in Stages I or II
- Evidence that might reasonably change the outcome of the appeal was not available at the Educational Appeal hearing or the student was not permitted to present such evidence
- The decision was inconsistent with the principles of natural justice

Dissatisfaction with the decision of the Educational Appeals Committee is not a ground for review.

Appeal Tribunal Membership

Membership comprises three (3) members from Education Council: The Chair and Vice Chair and one (1) regular member, who must be an elected Council member. The regular member shall be appointed by Education Council. None of the Appeal Tribunal members may have been involved in an earlier determination of the appeal. The Chair of Education Council chairs the Appeal Tribunal; if the Chair is unavailable, the Vice Chair assumes this role.

Under exceptional circumstances (including, but not limited to, conflict of interest, and medical or personal emergency), and at any point in the Stage III process, an alternate Tribunal member may be



appointed by the Tribunal chair to replace one of the original three members. An alternate member will only be appointed if required. Appeal details, including relevant documents, will only be shared with the alternate member upon appointment. Once appointed, the alternate member will participate in the full remaining Stage III process in place of the member that was substituted.

PROCESS

The student will submit to the Education Council (edco@douglascollege.ca) a written request for a hearing by the Education Council Appeal Tribunal within fifteen (15) business days of receipt of the Educational Appeal Committee's written decision. The request should briefly explain the nature of the original appeal and the grounds for a hearing by the Education Council Appeal Tribunal.

Grounds Review Meeting

The Education Council Chair will request copies of all Educational Appeal Committee hearing materials from the Responsible Administrator, and will circulate copies of all documents to the Appeal Tribunal. Within fifteen (15) business days of receiving the student's request for review, the Appeal Tribunal will meet to review the material, including the recording of the Educational Appeal hearing if necessary, and determine whether there are grounds for a review of the Educational Appeal Committee's decision. This meeting is not recorded and the student may not attend.

If the Education Council Appeal Tribunal determines that there are not grounds for review, the Chair will communicate the decision to the student and College employee(s), in writing, including the reason(s) for the decision, within five (5) business days of the Grounds Review meeting.

Hearing by the Appeal Tribunal

If the Appeal Tribunal determines that there are grounds for a review, a hearing will be scheduled within fifteen (15) business days of the Grounds Review meeting. Students may attend the hearing. Appeal Support Person may attend to assist the student, but will not present on behalf of the student. Notification of attendance must be given to the Chair of the Appeal Tribunal at least 5 business days prior to the date of the appeal.

The hearing will be recorded. The Tribunal's deliberations will be in camera and not recorded.

The decision of the Appeal Tribunal will be made by majority vote and will be delivered by the Chair to the student and the employee(s). The student will subsequently receive written confirmation of the decision from the Chair.

The recording and all documentation related to the Appeal Tribunal hearing, including any notes made by Appeal Tribunal members, will be kept by the Education Council Secretary for a period of two (2) calendar years, after which all records of the appeal hearing(s) will be destroyed.

The student may decide to withdraw an appeal at any time during the appeal review process.



F. LINKS TO SUPPORTING FORMS, DOCUMENTS, WEBSITES, RELATED POLICIES

Refer to the [Douglas College Request for Exceptions Procedure and Form](#).

[Administration Policies Page](#)

- Student Non-Academic Misconduct Policy
- Respectful Workplace Policy
- Violence Prevention and Response
- Sexual Violence and Misconduct Prevention and Response
- Respectful and Inclusive Environment

[Educational Policies Page](#)

- Appeal of Final Grades Policy
- Academic Integrity Policy

G. RELATED ACTS AND REGULATIONS

The British Columbia *College and Institute Act* Section 24(e) grants Education Council the power to “set policies and procedures for appeals by students on academic matters and establish a final appeal tribunal for these appeals”.

H. RELATED COLLECTIVE AGREEMENT CLAUSES

[Collective Agreement Between Douglas College and Douglas College Faculty Association](#)

APPENDIX A

THE EDUCATIONAL APPEALS COMMITTEE

This Committee hears student appeals concerning College educational decisions relevant to Educational Policies, excluding matters of grading.

Membership and Roles

The Committee is composed of the following members:

- One Chair (Non-voting): the College Registrar or designate
- One Counsellor (Non-voting): Appointed by the President in consultation with the Director of Student Affairs and Services; serves a three-year term
- One Faculty Member (Voting): appointed by the President in consultation with the Vice President, Academic and Provost; serves a three-year term.
- One Administrator (Voting): Appointed by the President; serves a three-year term
- One Student (Voting): Recommended by the Service Coordinator of the Douglas Student Union; serves a one-year to two-year term

Note: Alternates will be designated for those appeals in which any one of the Educational Appeals Committee members will be absent or is perceived as having a conflict of interest.

The faculty member and the administrator will be replaced in different years.

The Committee Chair and Counsellor as non-voting members, will offer information to the Committee as required to assist its deliberations, but will not attempt to influence the decision of the voting members.

The role of the Committee Chair is as follows:

- To ensure that timelines and protocols for appeals are complied with in the arranging of a hearing
- To ensure that due process is followed during a hearing and facilitate the proceedings
- To supply contextual information and guidance to the Committee, as required to assist its deliberations, including information about relevant policies or College regulations, principles of natural justice, and in the case of successful appeals, appropriate remedies.

The role of the Counsellor is as follows:

- To serve as a resource to Committee members with respect to issues impacting students in general and related issues of mental health when relevant
- To help clarify circumstances by asking questions of the appellant and/or respondent(s)

All parties to an appeal must respect the confidentiality of the Educational Decision Appeal process.



Protocols for Educational Appeals Committee Hearings

All members of the **Committee** must be present for the hearing to take place.

The Appeal hearing **must** be attended by the following parties:

- Members of the Committee, as previously stipulated;
- The student appellant

The following parties **may** attend:

- The employee(s) involved in the appeal;
- The Responsible Administrator (or designate) overseeing the department/program or other College unit in which the decision under appeal originated;
- The Appeal Support Person chosen by the student (from the approved list defined in section C of this policy)

Appeal Hearing Process

Prior to the formal hearing start time, the Committee Chair will convene the members of the Committee in camera to review the files and address any preliminary questions.

To open the formal hearing, the Committee Chair will introduce all parties and outline the procedures to be followed, noting that the hearing will be recorded (except for the Committee's deliberations).

The student will then present their appeal case, after which the Committee will ask questions and seek clarifying information. The employee(s) named in the appeal will then have the opportunity to respond and present their perspective(s) on the situation outlined by the student. Committee members will then have the opportunity to ask questions.

The Committee members will then deliberate in camera, without being recorded, and make a decision regarding the appeal by majority vote.

Once a decision has been made, the parties to the appeal will be recalled to the hearing room, the recording will resume, and the Committee's decision delivered by the Committee Chair to all parties.

The Committee Chair will send written notification of the appeal decision to the student and Responsible Administrator within five (5) business days of the appeal hearing.

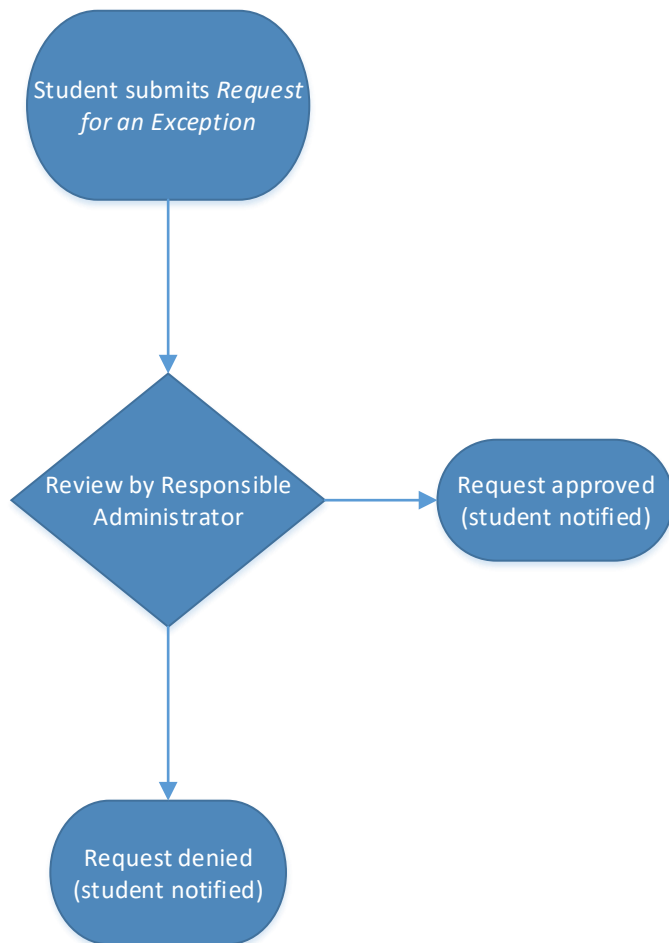
The recording and all documentation related to the appeal, including any notes made by Committee members, will be collected, sealed and retained by the Chair for one (1) year, after which all records will be destroyed

APPEAL OF EDUCATIONAL DECISIONS PROCESS

STAGE I – PRELIMINARY PROCESS

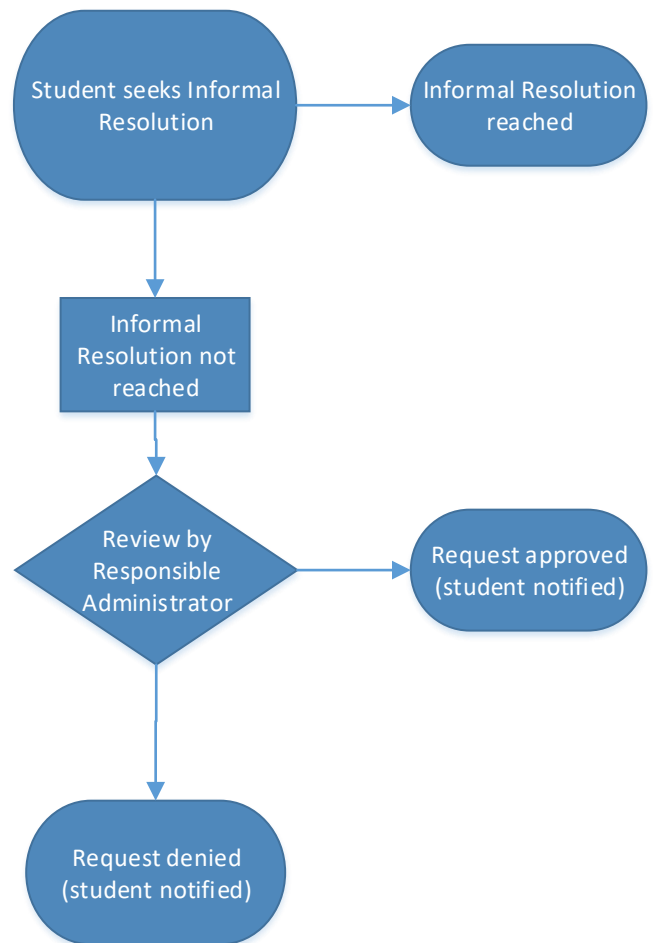
Decisions about matters involving the Office of the Registrar (D1)

Note: Deadline for appealing an educational decision is thirty (30) calendar days following the end of the term in which the original educational decision was made.



Decisions that affect students' access to education and/or academic progress (D2)

Note: Informal Resolution when student attempts to resolve concern about decision by meeting with department/program involved (ie: course instructor or department Chair/Coordinator).

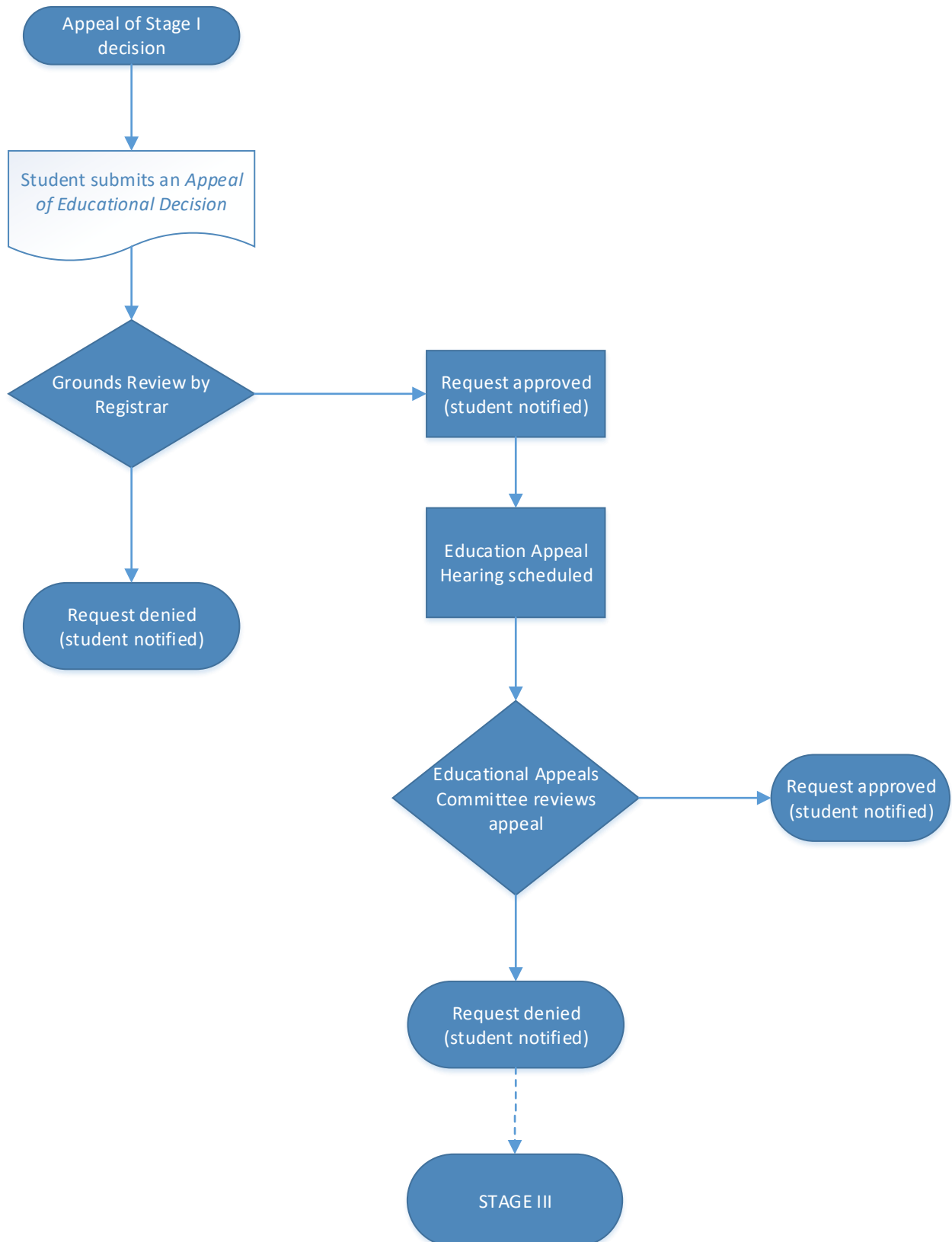


STAGE II

APPEAL OF EDUCATIONAL DECISIONS PROCESS

STAGE II – APPEAL TO THE EDUCATIONAL APPEALS COMMITTEE

Note: Within ten (10) business days, student can submit an Appeal of Educational Decision form to the Registrar for review for an Educational Appeals Committee Hearing



APPEAL OF EDUCATIONAL DECISIONS PROCESS

STAGE III – APPEAL TO THE EDUCATION COUNCIL APPEAL TRIBUNAL

Note: Within fifteen (15) business days, student can submit a request to Education Council for a hearing by the Education Council Appeal Tribunal

