

**APPEAL OF EDUCATIONAL DECISIONS POLICY**

<b>Policy name:</b> Appeal of Educational Decisions	<b>Responsible Owner:</b> Vice President, Academic and Provost	<b>Created:</b> 2019 May
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<b>Category:</b> Education	<b>Replaces:</b> Policy and procedures relevant to Educational Policy Appeals within the Student Appeals Policy	<b>Next Review:</b> 2024

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**A. PURPOSE**

This document outlines the principles that govern the procedures for 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
- Faculty Members
- Office of the Registrar
- 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:** A member of the College community who 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. Choice of **Appeal Support Person** is restricted to one of the following persons in the Douglas College community, owing to their knowledge of College policy and procedures and to their familiarity with **students'** interests: a Counsellor, an Accessibility Specialist, the Coordinator of Indigenous Student Services or the Douglas Student Union Ombudsperson.

**Education Council Appeal Tribunal:** A 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 the **student** 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 or Educational Service 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 or Associate 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** number 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 the Office of the Registrar. 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
- Acceptance into an educational enrichment opportunity, such as a field school, directed study course, honours seminar or honours program
- Continuation/progression in or graduation from a program
- Academic Integrity violations

**Students** are encouraged to consult with an **Appeal Support Person** for assistance with understanding the Appeal of Educational Decisions Policy and with preparing a written submission, where appropriate.

## LIMITATIONS

This policy applies specifically to decisions based in Educational Policies and is not relevant to those associated with Administration Policies or Board Policies.

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 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 four (4) months following the end of the term in which the original educational decision was made.

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

### STAGE I - PRELIMINARY PROCESS

#### **Appealing decisions about matters involving the Office of the Registrar (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 may be required by the **student** at this time.

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

Any new information that becomes available within the four (4) month deadline 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 process 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 meeting of the Committee, within twenty-five (25) 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 confidential 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.

**Note:** College employee(s) named in the appeal may or may not be required to attend the formal appeal hearing.

While **students** are expected to conduct their own appeals, where appropriate, the **Appeal Support Person** of choice may be permitted to present the **student's** perspective during the hearing, at the discretion of the Chair. The request for this representation must be given to the Chair of the **Educational Appeals Committee** at least one week prior to the date of the appeal.

The hearing will be audio-recorded, except for the **Committee's** deliberations, which are private.

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.

#### **Committee Membership**

Membership comprises three (3) members from Education Council: The Chair and Vice Chair and one (1) other elected member, none of whom has 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.

#### **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 ten (10) working 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 ten (10) working days of receiving the **student's** request for review, the **Appeal Tribunal** will meet to review the material, including the audio 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) working 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 ten (10) working days of the **Grounds Review** meeting. **Students** may attend the hearing. If requested, an **Appeal Support Person** of choice may be permitted to present the **student's** perspective during the hearing, at the discretion of the Chair, with appropriate consultation. Notification of attendance must be given to the Chair of the **Appeal Tribunal** at least one week prior to the date of the appeal.

The hearing will be audio-recorded, except for the **Tribunal's** deliberations, which are private.

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](#)

- Standards of Student Conduct
- 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

### 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](#)

- Letter of Understanding #2: Handling Students Concerns and Complaints



## 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 regard to the rights and responsibilities of **students** under College policy
- To contribute psychological information where 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)

### Hearing Process

Prior to the formal hearing start time, the **Committee** Chair will convene the members of the **Committee** privately 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 audio-recorded (except for the Committee's deliberations).

The **student** will then present their concerns, 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.

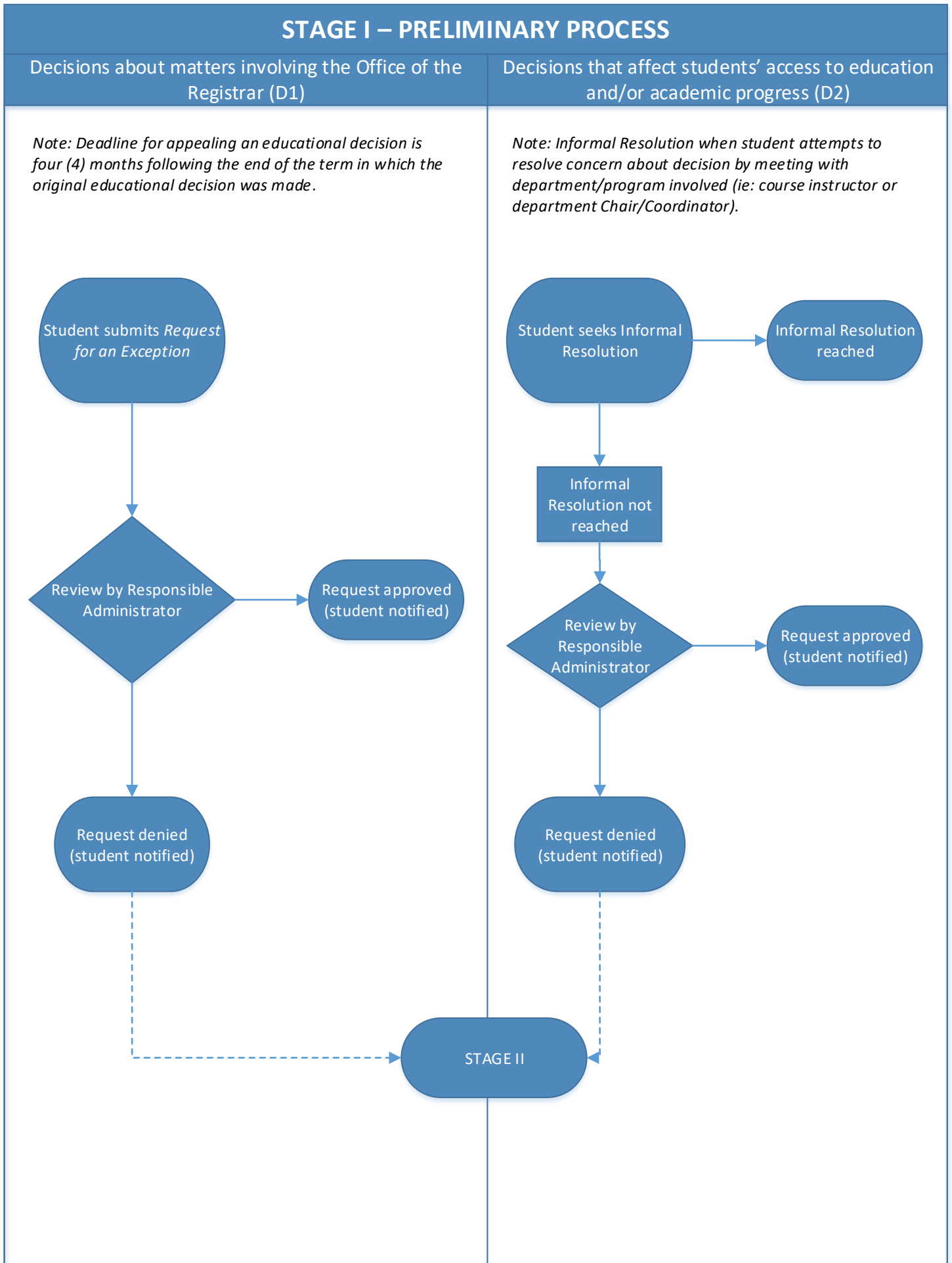
The **Committee** members will then deliberate *in camera*, with the audio-recording turned off, and make a decision regarding the appeal by majority vote.

Once a decision has been made, the parties to the appeal will be recalled to the hearing room, the audio-recording turned on, 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.

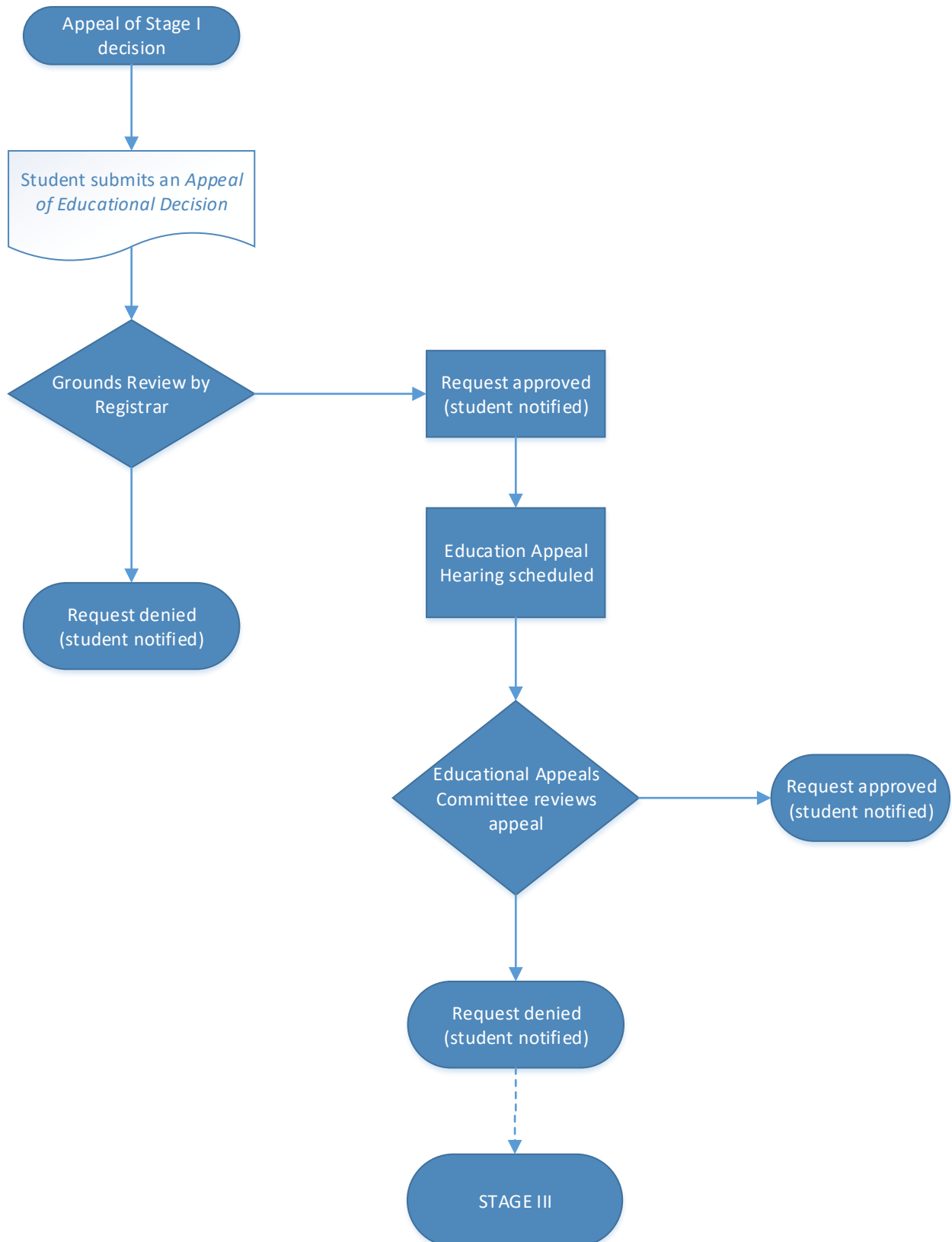
# APPEAL OF EDUCATIONAL DECISIONS PROCESS



# 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 ten (10) business days, student can submit a request to Education Council for a hearing by the Education Council Appeal Tribunal*

