



Title	Appeal to Education Council on Educational Matters
Policy No.	A.2.1
Approval Body	Education Council
Policy Sponsor	Vice President, Academic & Research
Last Revised/Replaces	February 6, 2001
Effective Date	May 13, 2014

Request for Appeal

1. Grounds for appeal are limited to the following:
 - a. the prior Formal Educational Appeal lacked due process;
 - b. there is relevant new information that was not available when the prior Formal Educational Appeal decision was made and that may have influenced the outcome.
2. It is strongly recommended that students use the services of the SUVCC Student Advocate and/or those of the VCC Arbiter of Student Issues to prepare for the appeal.
3. A student must submit a "Request for an Appeal to Education Council" (see Appendix A), along with all supporting documentation, to the Registrar's Office.
 - a. Appeals must be submitted within twenty (20) business days of the date when the Student was notified of the decision of the Formal Educational Appeal.
 - b. Submissions received after the twenty (20) business days will be forwarded to the Tribunal members for a decision as to whether or not they will hear the case.
 - c. At any time, the Student may terminate the appeal process by providing written notice to the Registrar's Office. The Student may not then resubmit an appeal to Education Council on that matter.

Documentation

4. Upon receipt of the Request for an Appeal, the Registrar will forward a copy of the Request and all supporting documentation to the Respondent within two (2) business days.
 - a. The Respondent will provide a written submission to the Registrar together with any further supporting documentation, within fifteen (15) business days of receiving a copy of the Student's request.
 - b. The Respondent's submission will contain the following information:
 - i. Response to the Student's detailed reasons for appeal;
 - ii. Witnesses to be called, with summary of evidence to be presented; and

- iii. Spokesperson, if other than the Respondent.
 - c. In unusual circumstances and at the discretion of the Chair of the Tribunal, additional documents may be accepted from either the Student or the Respondent after the submission deadline.
5. Upon receipt of the Respondent's submission, the Registrar will, within two (2) business days, send a copy of the Respondent's submission to the Student, and copies of both submissions (from the Student and the Respondent) to the Chair of Education Council.

Striking the Education Council Appeal Tribunal

6. The Chair of Education Council will strike a Tribunal within five (5) business days of receiving the submissions.
- a. Tribunal members are required to disclose any actual or potential conflict of interest for discussion and determination of their suitability for the Tribunal.
 - b. Tribunal members are required to have completed training on tribunal procedures before participating on a Tribunal.
7. The Tribunal will convene within five (5) business days of being struck to review the documentation and determine whether to accept the appeal request or reject it based on insufficient grounds.
- a. The Chair of the Tribunal will notify the Student and Respondent in writing of the decision regarding the holding of a Tribunal Hearing and the reasons for that decision within three (3) business days of the meeting.
 - b. If the appeal request is accepted, the Chair of the Tribunal will normally schedule a Tribunal Hearing within ten (10) business days of the decision to proceed.
8. The names of the Tribunal members will remain confidential, and will only be provided to the participants at the time of the Tribunal Hearing.

Appeal Tribunal Hearing

9. The Tribunal Hearing will be attended by:
- a. Members of the Tribunal;
 - b. The Student;
 - c. The Respondent;
 - d. Witnesses;
 - e. The Arbiter of Student Issues (observer only); and
 - f. Other persons as indicated below.
10. Tribunal Hearings are closed meetings and are not open to the public or VCC community members who are not involved in the case being heard.
- a. The Student may have a SUVCC Student Advocate to advise and represent them during the Tribunal Hearing. However, the Student is expected to fully participate in the Tribunal Hearing and answer any direct factual questions asked by the Tribunal.

- b. The Student may also have a support person present. The support person may not speak to the Tribunal.
 - c. The Student may request accommodations needed to fully participate in the Tribunal Hearing (e.g., sign language interpreter) and should inform the Chair of such requirements five (5) business days prior to the Tribunal Hearing.
11. During the Tribunal Hearing, the Chair will chair the proceedings and ensure that due process is followed. The Chair will begin the Tribunal Hearing by introducing all parties in attendance and outlining the procedures to be followed. An opportunity will be provided for presentation of the issues from the Student's perspective. The Respondent will be given the same opportunity. Tribunal members may ask questions of the parties and any witnesses. All parties may ask questions through the Chair.
 12. The Student, Respondent, and members of the Tribunal are expected to return all documentation provided during the proceedings to the Chair at the close of a Tribunal Hearing. The Respondent, members of the Tribunal, and other employees of the College involved are required to maintain the confidentiality of the proceedings.

Tribunal Decision

13. Immediately after the Tribunal Hearing, the Tribunal members will deliberate in private and make a decision regarding the Appeal.
14. The decision:
 - a. is based on the standard of "balance of probabilities,"
 - b. is made by majority vote.
15. The Tribunal will rule that the appeal is "founded" or "unfounded." If the appeal is "founded," a new educational appeal will be initiated under the direction of the original policy (e.g. Appeal of Final Grade policy).
16. The Chair will convey the final decision and rationale to the Student and the Respondent in person the same day (if possible), and in writing within three (3) business days of the Tribunal. The Registrar and the Dean of Student Development will also be sent the written decision and rationale.

The Arbiter of Student Issues will be given access to the final written decision and rationale as necessary.
17. All Tribunals will be recorded, and audio and/or written records will be maintained in the Student Conduct File (for appeals of educational conduct) or Student Academic File (for appeals of final grade) for at least one (1) year after the Tribunal date. These records will remain confidential.

RELATED POLICY

Refer to A.2.1 Appeal to Education Council on Educational Matters Policy.