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**Decision Review Board**

Procedure No.:	5104-PR2
Policy Reference:	5104
Category:	Education
Approving Body:	Board of Governors
Executive Sponsor:	VP Academic
Current Approved Date:	2019 May 28

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## 1. Objectives

The Decision Review Board (DRB) is responsible for conducting appeal hearings of decisions made under Policy 5102 – Student Code of Conduct (Non- Academic) and Policy 5104 - Student Code of Academic Integrity with the exception of decisions made by the President. Decisions made by the President to suspend or to rescind a credential may be appealed through the procedures in 5104-PR3. This procedure describes the processes for:

- Students requesting an appeal to be heard by the DRB; and
- The administration and process for DRB hearings.

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## 3. Who This Procedure Applies To

This procedure applies to BCIT Students and the process for hearing appeals by the Decision Review Board.

## 4. Other Information

Procedures associated with Policy 5102 and Policy 5104:

Policy 5102 – PR1 Procedure for Violations of Code of Conduct (Non-Academic)

Policy 5104 – Student Code of Academic Integrity

Policy 5104 – PR1 Procedure for Violations of Code of Academic Integrity  
Policy 5104 – PR3 Institutional Appeal Tribunal  
Policy 5103 – PR2 Procedure 5103-PR2 Grade Re-Assessment

## 5. Definitions

**Decision Maker** – The person who made the decision being appealed to the Decision Review Board.

## 6. The Decision Review Board's Mandate

The DRB may hear Student appeals of the following decisions:

- Marks Reassessment decisions made by the Associate Dean as per Procedure 5103-PR2.
- Decisions made by a Faculty Member, an Associate Dean or a Registrar that the Student has committed a violation of Policy 5104 Student Code of Academic Integrity and the outcomes which have been imposed on the Student as a result of that breach, other than decisions made by the President.
- Decisions that a Student has violated Policy 5102 Student Code of Conduct (Non-Academic) and the outcomes that have been imposed on the Student, other than decisions made by the President.

Students may appeal a decision on one or more of the following grounds for appeal:

1. The decision-making process violated Institute policies or the Decision Maker was biased.
2. There is evidence which was unavailable at the time the decision was made that would likely have resulted in a different decision; and
3. The outcome imposed by the Decision Maker was unreasonable.

## 7. Decision Review Board Committee Membership

The Vice President, Academic will appoint the members of the Decision Review Board Committee. Members will include: 7 faculty members with at least one representative from each school who are appointed for a two year term, 3 Students for a one year term, and a Decision Review Board Chair who may be a staff or faculty member of the Institution for a 2 year term. All terms of appointment may be extended by the Vice President, Academic.

Prior to each DRB hearing, a hearing panel will be appointed by the Decision Review Board Chair which will include a minimum of four members of the Decision Review Board Committee from which there will be at least 1 Student member, 2 faculty members and a hearing panel chair. The Decision Review Board Chair may be the hearing panel chair. The members selected must not be from the same program of the Student involved in the case.

## 8. Requesting a DRB Hearing

If a Student wishes to appeal a decision to the DRB they must submit a Decision Review Board Application Form to the Office of Student life within 15 business days of when the decision being appealed was delivered to the Student. The application must include the grounds for appeal, all relevant documentation, a rationale for the grounds, and a list of the Student's witnesses. The Office of Student Life will review the application to ensure that all required information is included.

Students are encouraged to obtain assistance from the Student Association Advocacy Office to file

their appeals. If the decision being appealed resulted in the Student being unable to complete their studies (e.g. failing a pre-requisite class) the Student may request to continue their studies pending the outcome of the appeal by completing the Request to Continue Studies Pending DRB Hearing section within the Decision Review Board Application Form. The Student must provide their reasons for why they should be permitted to continue with their studies pending the outcome of the appeal. The Office of Student Life will provide the Dean of the program with the Decision Review Board Application form completed by the Student. The Dean will consider the rationale provided by the Student and the impact of the Student's continued registration on the safety and quality of the academic program. The Dean will provide a written decision. The written decision will be provided to the Office of Student Life who will distribute the response to the Student, the Decision Maker, the Registrar, and the Chair of the hearing panel.

The Student's application form will be reviewed by the Decision Review Board Chair to determine if the application properly sets out the grounds of appeal listed in Section 6 of this procedure. If the Chair decides the grounds for appeal are not one of those listed in Section 6, the Chair may dismiss the appeal and provide written reasons to the Student. If the Chair decides the appeal may proceed, then the Chair will deliver a copy of the appeal and all supporting documents to the Decision Maker. The Decision Maker will have 15 business days to provide a written response to the appeal, to the Chair, which should fully state the basis for opposing the appeal, provide any documents which will be relied upon at the hearing of the appeal and a list of any witnesses.

The Chair will provide a copy of the Decision Maker's response to the appeal, and all supporting documents, to the Student and the Student may provide a written rebuttal submission to the Chair within 15 business days of receiving the Decision Maker's response. The rebuttal will be provided to the Decision Maker.

At any time the Chair may grant an extension to the Decision Maker or the Student if, in the opinion of the Chair, an extension should be provided.

The Office of Student Life will provide administrative support to the Chair and the panel hearing the appeal.

## **9. Preparing for a Hearing**

After the Student has been given an opportunity to provide a rebuttal submission, the Decision Review Board Chair will schedule the hearing of the appeal within 15 business days and inform the Decision Maker and the Student of the date of the hearing.

Students are permitted to have a Support Person present at the hearing to provide personal support. The Support Person is not permitted to speak on behalf of the Student unless approved by the hearing panel chair.

The Chair of the hearing panel may reset the date of the hearing if the Chair believes it is appropriate to do so.

The Office of Student Life will provide administrative support to the Hearing Panel in the form of coordinating meetings, booking of spaces, gathering materials, and maintaining records.

## **10. Hearing Materials**

The Office of Student Life will compile all materials submitted by both the Student and the Decision Maker and create a hearing package. The hearing package will be circulated to the Student, the Decision Maker, and all members of the panel hearing the appeal a minimum of 7 business days prior to the hearing.

A Student may withdraw their request for a hearing at any time.

## 11. Conducting the Hearing

All hearings will be confidential and not open to the public. The hearing will include the Chair of the panel, the Student, their Support Person, if any, the Decision Maker, and all panel members. All witnesses will only be present at the time of their presenting of their information. A representative from the Office of Student Life will be present for administrative assistance.

The Chair of the panel is responsible for the orderly conduct of the hearing, and may make any procedural rulings the Chair deems appropriate. Generally the order of proceedings will be:

1. Opening remarks (if any the Chair determines are appropriate)
2. Review of time limits and format of hearing (as may be determined by the Chair)
3. Introduction of the hearing participants and clarification of each participant's role (Chair)
4. The Student's opening statement and presentation of evidence including each of the Student's witnesses followed by questions to the Student and the Student's witnesses in the order determined by the Chair. The Chair may determine that questions should be asked through the Chair.
5. The Decision Maker's opening statement and presentation of evidence including any witnesses followed by questions to the Decision Maker and any witnesses in the order determined by the Chair. The Chair may determine that questions should be asked through the Chair.
6. Closing arguments from the Student.
7. Closing argument from the Decision Maker.
8. Reply submissions from the Student related to issues raised by the Decision Maker and not already addressed in the Student's closing argument.
9. Final questions by the panel members to either the Student or the Decision Maker.
10. Hearing adjourned (Chair).
11. The panel will then deliberate and make their decision in the absence of the Student and Decision Maker.

## 12. Decision Making and Outcome

The panel will make its decision based upon the information provided during the hearing. The Chair of the panel will only vote in the event of a tie. The Chair of the panel will write a decision report which sets out the decision of the DRB and the reasons for the decision. The following are the decisions available to the DRB:

- Deny the appeal and thus the original decision stands; or
- As a result of a finding of new evidence that would likely result in a different decision, grant the appeal and submit the findings to the Decision Maker for reconsideration of the original decision; or
- As a result of a finding of inappropriate application of procedures, or bias, grant the appeal and impose a different resolution as per the appropriate policy.

Within 7 business days of the conclusion of the hearing, the Hearing Panel Chair will advise the Student and the Decision Maker of the DRB's decision. The Chair will deliver the report to the Student, the Decision Maker, and the Office of Student Life

The decision of the Decision Review Board is final.

If adjustments to the Student's academic record are required, the Registrar and or Dean of the program will be informed to make the appropriate changes.

### **13. Forms Associated With This Procedure**

5104-F1 Application for a Decision Review Board Hearing

### **14. Amendment History**

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| 1. Created    | 2009 Jan 21 |
| 2. Revision 1 | 2010 May 25 |
| 3. Revision 2 | 2019 May 28 |