



PACIFIC COAST UNIVERSITY
FOR WORKPLACE HEALTH SCIENCES

Dispute Resolution - Policy 235

Policy Statement

This policy applies to the process established under University policies when dealing with disputes or complaints (including appeals of decisions) between the University and the University Community.

All processes established under University policy comply with the principles of natural justice and are fair, accessible, reasonable, effective and transparent.

Under established processes individuals will have the right to:

- a fair and expeditious resolution of complaints and disputes within reasonable deadlines;
- know and understand the charges or complaints made against them;
- be heard in response to charges or complaints made against them, before any disciplinary decisions are taken by a decision maker.

All established processes will comply with the following:

- the process will be published and accessible to all members of the University Community;
- a Review Panel will be appointed to which disputes or appeals may be directed and which is responsible for dealing with and considering specific appeals which have not been resolved through other means;
- the process for reviewing any disputes or appeals will be clearly stated including the rights of persons to participate in that procedure;
- where appropriate, the process will first facilitate the fair and expeditious resolution of appeals or disputes on an informal basis;
- the dispute resolution process but not the decision of a Review Panel can be appealed by either party to the President.

Related Policy

Academic Appeals and Complaints
Attendance
Code of Conduct
Computer Usage
Prevention of Harassment and Discrimination
Sexual Violence and Misconduct
Integrity in Research and Scholarship
Intellectual Property and Copyright
Library Collection
Privacy

Definitions

Act means the Pacific Coast University for Workplace Health Science Act.

Appeal Committee means a committee composed of the following representatives: two members of the Academic Council appointed by the Registrar; two academic staff from each Department/Faculty



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appointed by the VP Academic; two Students from each academic program or areas appointed by the Registrar.

Appeal Hearing means a Hearing carried out by a Review Panel (as defined below) selected at random from the Appeal Committee and chaired by the Registrar or his or her designate where all parties meet to present their cases and question one another. This hearing will be conducted online on a secure platform hosted by the University.

Chair means the Registrar or the Registrar's designate who shall serve as non-voting Chair except in the event of a tie between the four voting members of a Review Panel.

Appellant means the party that submits an appeal to the Registrar.

President means the President of the University.

Review Panel means a panel selected at random from the Appeal Committee by the Chair comprising two students, one academic staff member and one Academic Council member.

Respondent means the party named by the Appellant in the appeal.

Statement of Case means the document submitted by the Appellant that outlines their allegations.

Statement of Response means the document submitted by the Respondent that outlines their position regarding the allegations against them.

University Community includes members of the Board of Governors, members of the Academic Council, members of the International Research Advisory Council, students, employees, contractors and volunteers associated with the Pacific Coast University for Workplace Health Sciences.

University means Pacific Coast University for Workplace Health Science, a corporation established under the Act.

Working Day means any day, excluding weekends, statutory holidays, or other days on which the University is closed.

Procedures

I. MEMBERSHIP AND ORGANIZATION OF THE APPEALS COMMITTEE AND REVIEW PANEL

1. The Appeal Committee shall be composed of the following representatives:
 - a. Two members of the Academic Council appointed by the Registrar;
 - b. Two Academic staff from each Department/Faculty appointed by the VP Academic;
 - c. Two Students from each academic program or areas appointed by the Registrar.

The principle of gender equity shall be observed as far as possible.

Membership on the Appeal Committee normally shall be for a period of two years.

2. The Review Panel shall consist of:
 - a. The Registrar or the Registrar's designate, who shall serve as non-voting Chair except in the event of a tie between the four voting members;
 - b. Two students, drawn at random by the Chair from the student membership of the Appeal Committee;
 - c. One academic staff member, drawn at random by the Chair from the membership of the Appeal Committee;



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- d. One Academic Council member, drawn at random by the Chair from the membership of the Appeal Committee.
3. No Appeal Committee member shall serve on a Review Panel if he or she is deemed by the Chair of the Panel to have a perceived or actual conflict of interest.
4. In the event that an insufficient number of Appeal Committee members are eligible to serve on a Review Panel, the Chair shall request that the Registrar's Office appoint additional academic staff, students or members of the Academic Council to the Appeals Committee. Appointments to the Appeal Committee made by the Registrar's Office will last only until the appeal in question has been decided.
5. A Review Panel quorum shall consist of all five panel members.
6. Each panel member of the Review Panel, with the exception of the Chair, shall have one vote in rendering a decision. Decisions shall be by majority vote. Only in the event of a tie between the four voting members may the Chair vote.

II. REVIEW PANEL GUIDELINES

1. The Review Panel shall decide impartially and fairly whether an appeal shall be upheld or denied.
2. Each appeal shall be considered independently and on only the evidence provided by the appellant and respondent.
3. At no time should the Review Panel deal with any matter outside the specific concerns set out in the request for appeal and the evidence provided at the Appeal Hearing.
4. In addressing the appellant's specific concern(s), the Review Panel may direct the parties to provide and produce additional material, including expert opinion or independent testimony directly related to the appeal.
5. Except exceptional circumstances, the Review Panel will render its decision within fourteen working days of the appeal being heard by the Review Panel.

III. OPERATIONAL GUIDELINES

1. In general, a appellant must complete the following steps to resolve an issue before they may initiate a formal appeal:
 - a. Attempt to resolve the issue with the person with whom the issue originated (the respondent);
 - b. If the issue is not resolved, attempt to resolve the issue with the person at the next highest level of responsibility;
 - c. If still unresolved, attempt to resolve the issue with the manager of the person with whom the issue originated.
2. If the issue remains unresolved, then the appellant may commence a formal appeal by completing a Formal Appeal Form and submitting it to the Registrar.
3. Formal appeals must be submitted to the Registrar in writing within 30 days of the decision or action that is being appealed. The submission must take the form of the fully completed Formal Appeal Form accompanied by a letter or email which shall state the nature of, and rationale for, the appeal and a suggested resolution.
4. Once the Registrar has determined that the required steps to resolve the issues set out in subsection 1 above have been followed, she/he will request that a Review Panel be convened.
5. The Review Panel Chair will request both parties to submit any additional material, including expert opinion or independent testimony in writing within 14 days of the request.
6. The Review Panel Chair will distribute the Formal Appeal Form, the accompanying letter or email and the supporting documentation to the members of the Review Panel for consideration.
7. The Review Panel Chair will schedule an Appeal Hearing of the Review Panel, taking into account the availability of all people required to attend. The Appeal Hearing normally will be arranged within four weeks of the Review Panel Chair receiving all documents. The Chair will assume responsibility for convening all meetings until the appeal has been concluded.
8. The Appeal Hearing will be conducted online on a secure platform hosted by the University.



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9. The appellant and respondent may bring witnesses to the Appeal Hearing. Participation of witnesses shall be limited to providing their evidence and responding to questions from the Review Panel. Witnesses may be present at the hearing only when providing evidence or responding to questions from the Review Panel.
10. Each appellant or respondent may bring one support person to the Appeal Hearing. Support persons shall not participate in the appeal unless called on by the Chair to do so.
11. An Interpreter may be present at the request of the student or Student Services.
12. The five Review Panel members, the appellant and respondent must be present at the Appeal Meeting.
13. The Appeal Hearing shall proceed as follows:
 - a. The Chair will introduce everyone present to each other and will then provide a brief summary of the purpose of the hearing and the process to be followed at the hearing;
 - b. All question to witnesses or the other party will be addressed through the Chair;
 - c. **Presentation of the case by the appellant;** the respondent may ask, through the Chair, the appellant and/or any witnesses who provide evidence at the hearing questions with regard to the evidence they have provided at the completion of their evidence;
 - d. **Presentation of information by the respondent;** the appellant may ask, through the Chair, the respondent and/or any witnesses who provide evidence at the hearing questions with regard to the evidence they have provided at the completion of their evidence;
 - e. The Chair in his/her discretion may upon request by either party allow additional evidence to be provided or additional questions by either party of the other party or witnesses with regard to the evidence they provided;
 - f. While all forms of physical evidence, documents, and testimony are normally admissible into evidence at the hearing, the Chair may rule that any piece of physical evidence, document, or testimony of a witness is inadmissible.
 - g. **Deliberations by the Review Panel and final decision;** the Review Panel may reserve its decision.
14. Neither the appellant nor the respondent shall have the right to representation by legal counsel during Appeal Hearings. Provided that, in exceptional cases where there is a clear need for legal representation, the Chair in his/her sole discretion may allow legal representation at the hearing.
15. The Review Panel Chair shall be responsible for keeping official records of Appeal proceedings. Only the Chair, in her/his sole discretion, shall be permitted to make audio or video recordings of Appeal proceedings.
16. Following a decision by the Review Panel, the Chair shall notify the appellant and respondent in writing of the decision, including a rationale.
17. The Registrar will retain a permanent appeal file, containing the official record of proceedings, all referenced documents and a copy of the letter notifying the appellant and respondent of the Review Panel decision. Original documents will be returned to their respective owners.
18. Either party can appeal the process followed, but not the decision, to the President within 14 days of the decision. If it is found that the process followed did not conform to these procedures, a new Review Panel can be established.

Approval and Responsibility

Approved by: Board of Governors, March 27, 2012.

Revised: June 18, 2014

Responsibility: Registrar

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