

<b>1.0</b>	<b>POLICY TITLE</b>	<b>APPEALS</b>
<b>1.1</b>	<b>Policy number:</b>	<b>CO-O-002.2</b>
<b>1.2</b>	<b>Category:</b>	<b>Organisational</b>
<b>1.3</b>	<b>Approval date:</b>	
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<b>1.5</b>	<b>Unit responsible:</b>	<b>Chief Executive Officer</b>

## **2.0 POLICY DECLARATION**

This policy describes the rules and administrative procedures for appeals brought by members and assessment candidates, including the:

- context in which appeals against College decisions may be made
- grounds upon which appeals may be made
- rules and processes for submission and processing of appeals
- terms of reference for the Appeals Committee.

**This policy is approved by Council and authorised by the CEO.**

## **3.0 BACKGROUND**

### **3.1 Scope of appeals**

This policy describes the rules for the appeals mechanism used to ensure that:

- due processes were followed by the College in reaching decisions, and in reviewing those decisions, in compliance with College policies and the law
- proper consideration was given to evidence presented and available to the College in relation to decisions, reconsiderations, reviews and appeals.

Appeals are both:

- a means to determine whether due process was followed by the College in the making of decisions, and
- forums for making decisions.

Persons who have standing to appeal are persons who are aggrieved by a decision of the College who stand in a contractual relationship with the College in relation to:

- Assessments and assessment decisions
- Accreditation of a Supervisor or general practice for participation in the training program
- Accreditation of training providers in the training program
- Standing within the Quality Assurance and Continuing Professional Development program
- Rescinding or revoking membership, including Fellowship.

This appeals policy applies to those who are adversely affected by decisions made by the College and who are:

- Members, whose rights are covered under the College Memorandum and Articles of Association, and
- Candidates who have, or who intend to, present for College assessments, and whose rights are covered under College policies
- Organisations and individuals involved in vocational training, including supervisors, training posts and training providers directly accredited by the College.

This appeals policy does not describe processes by which College decisions are reconsidered or reviewed. Decisions reconsideration and review processes are covered by separate College policies and can be found in the *Board of Censors' Decisions Review* policy. However, this Appeals policy describes rules governing how reconsideration and review processes must be followed and exhausted before appeals processes can be implemented (see Section 5 of this policy).

Applications for appeals will not be accepted, and appeals will not be heard, unless all avenues for reconsideration and review of decisions have first been exhausted.

Policies take into consideration the prevailing legal, professional and political conditions, and the available resources for implementation. Policies have regard to the objectives of the College and the best interests of the College, which includes those of its members as a whole. The reputation of the College as the peak professional representative body for general practitioners in Australia, and its public duty as standard bearer for general practice services to the community, are further factors which have bearing on the manner in which College decisions are made, including:

- making decisions
- reviewing decisions
- defining processes for considering appeals.

As a qualifying body under the Equal Opportunity Act 1995 (Victoria) and other Australian equal opportunity legislation (that is, as a body that confers a professional qualification), the College makes its decisions based on facts and merit, free from unlawful discrimination.

### **3.2 Objectives**

The objectives of this policy are to:

- explain the relationship between decisions, decisions reconsiderations and decisions review processes on the one hand, and appeals processes on the other hand
- describe the moral and legal framework in which College decisions are made
- define the range of persons who are entitled to appeal
- inform an intending applicant of the factors to which the College has regard as relevant in determining whether College policy was followed in reaching decisions
- inform the applicant of the manner in which appeals are processed
- inform the applicant of the range of outcomes open to the Appeals Committee if an appeal by an aggrieved person is upheld
- set out processes for ensuring College decisions and reviews of College decisions comply with College policy and procedure.

The objective of all College policies is to continually improve the capacity of general practice to deliver the highest quality of general practice services to patients and communities.

### **3.3 Specific Aims**

The specific aims of this policy are to describe all elements of the rules and procedures for reconsiderations, reviews, and appeals of College decisions, including to:

- detail the manner in which appeals are initiated, and the supporting documentation required
- describe how a person aggrieved by a College decision may invoke the appeals process
- describe the requirements for reviews of College decisions to be exhausted before the appeals process can be invoked
- explain the grounds and requirements for bringing appeals
- provide procedures and terms of reference for formal hearing of appeals of College decisions by the Appeals Committee.

## **4.0 FRAMEWORK OF DECISION MAKING**

All applicants for a decision of the College can expect that:

- decisions will be made in accordance with law having regard to the nature of the relationship between the College and the applicant
- the principles of availability of information and transparency of process will apply to the decisions they are seeking
- decisions will be made, and reconsiderations, reviews and appeals of decisions will be conducted, based on fact and merit.

For decisions of the College to which this policy applies, please see Section 6.

For a summary of the steps in the decision making, reconsideration, review and appeals processes of the College, please see Appendix 1.

#### 4.1 Applying to the College for a decision

Applying to the College for a decision can include applying for any decision as defined in Section 6.1, and in addition, applying for:

- reconsideration of a decision
- review of a decision
- appeal against a decision

Any person intending to apply to the College for a decision is urged to have regard to the procedures which identify the supporting documentation that must be provided to enable the original and subsequent decision makers to make an informed decision having regard to all relevant factors.

All applicants for a decision are encouraged to contact the College if they are in any doubt regarding what procedures or documentary evidence may be relevant to their case.

##### 4.1.1 Decisions will be based on documentary evidence

The correspondence or other documentation having bearing upon the decision appealed against, and the reasons given for the decision, are relevant to the appeal process. If documentation provided by the College in relation to a decision is deficient, there may be grounds for an appeal.

The first role of the Appeals Committee is to review the process as conducted by the College that lead up to the decision being made, to determine whether it was based solely on the materials and evidence available to the decision maker when reaching the unfavourable determination (against which the aggrieved person wishes to appeal).

##### 4.1.2 Availability and provision of evidence

The second role of the Appeals Committee is to hear the application *de novo*, to review the evidence *per se*, and to either reaffirm or revoke the original decision.

New information in relation to the decision, as well as any documentary evidence already presented, may therefore be relevant to an appeal.

Decisions will be made based on College policies and on all documented evidence available.

- i) Relevant, complete and detailed written information and instructions are provided or are easily accessible to all applicants seeking a decision of the RACGP. This includes:
  - instructions on application processes and material required to ensure application is complete
  - any pre-determined criteria against which an application is judged
  - information on how decisions are made and by whom
  - when and how applications may be referred to particular Committees, and
  - timelines involved in application processing.
- ii) College staff will, whenever possible, assist those wishing to apply for a review of a decision, and may contact applicants who have made a deficient application in relation to a decision's reconsideration, review or appeal, to:
  - seek the necessary documentary material or other information
  - help the applicant to follow the required procedures.All such contact with applicants will be documented in the applicant's file.
- iii) Candidates, however, bear the responsibility for the submission of the application. Applications that are repeatedly deficient in information or evidence, or that do not meet deadlines, will not be accepted.

Applicants who are assessment candidates should note policies regarding the use, as evidence, of prohibited items in assessment areas, as covered in the *Academic Misconduct* policy.

##### 4.1.3 Openness and transparency

- i) Decisions will be made in an open and transparent manner.

- ii) Where College staff refer applications to a committee for a decision, the referral to the committee must include relevant advice on the matter, all documentary evidence and records relevant to the matter, and must suggest options for appropriate action by the Committee.
- iii) Decisions by the committee are made after the proper consideration of relevant factual information, based on evidence and having regard to the merits of the case. Decisions cannot be made on the basis of information assumed to be in existence but not available to decision makers at the time of the decision.
- iv) Where relevant information is not available to the decision makers at the time of the decision, the Appeals Committee may in its sole discretion consider further documentary material (including material that may not have previously been available). The applicant bears the responsibility of outlining, in the application to appeal, such further information which she or he regards as relevant. The Appeals Committee may in its sole discretion either admit or refuse to admit that material, as relevant to its review of the adherence to law and College policy during the original decision making process, or of the due consideration by the College of the evidence.
- v) Decisions of the College are documented and provided to the applicant and other affected parties as required.
- vi) Written advice is provided on the reasons for the decision.
- vii) Written advice contains instructions on whether or how the applicant may have the decision reconsidered.

#### **4.2 Providing to Members the reasons for decisions**

Persons described above in Section 3.1, who have been aggrieved by a decision made by the College, should have been furnished with reasons for the decision upon which an appeal may be based.

If an applicant has not received, in writing, the reasons for an adverse decision, the applicant is entitled to request them.

#### **5.0 RACGP DECISIONS REVIEWS**

The three levels of RACGP decisions reviews are:

- Reconsideration of original decision
- Review of original decision
- Formal hearing by the Appeals Committee.

No reconsideration or review will be escalated to a later review or appeals step until processes at the earlier steps have been exhausted. The Appeals Committee shall only be convened if the Chief Executive Officer is satisfied that the applicant has exhausted all other avenues of reconsideration and review of the relevant decision.

The rules and procedures articulated below for reconsiderations, reviews or appeals in relation to College decisions are designed to ensure that any College process for making decisions will be impartial, will rely on facts, and will be conducted within a framework of College policies.

All procedures in this policy must adhere to the principles of avoidance of conflict of interest, and avoidance of the appearance of, or potential for, conflict of interest. All actions taken by the College, and by individuals acting on behalf of the College, in relation to reviews of decisions (see Section 5.2) and appeals (see Section 5.3), will avoid conflicts of interest and the appearance of, or potential for, conflicts of interest. This means that groups reviewing decisions, and the Appeals Committee, will be constituted by members who did not participate in the original decision in relation to the application being made.

Avoidance of conflict of interest does not mean that the applicant is entitled to an external review of the College's or the Appeals Committee's decisions.

Those reconsidering the original decision (see Section 5.1) will by definition have been involved in the original decision.

One, and only one, reconsideration step will be instigated before progressing to a decision review.

One, and only one, decision review step will be instigated before progressing to an appeal (see Section 5.3).

Such reconsideration and/or review shall not, and does not constitute an appeal under this policy.

See for example the *Board of Censors' Decisions Review* policy for reconsideration and review processes regarding College decisions about examinations and other assessments.

Policies, rules and procedures covering formal hearings by the Appeals Committee are covered in Sections 5.3, 6, 7, 8, 9, and 10 of this policy.

If at any point a decision is made in favour of the applicant, then subsequent reconsiderations, reviews or appeals will not be necessary in relation to that decision.

## 5.1 Reconsideration of original decision

5.1.1 All decision letters will advise the applicant/recipient that they have the right, within 10 working days of receipt of the decision letter, to request a **reconsideration** of the decision.

Contact details for the College administrative unit representing the decision-making body, including telephone and email address, will be provided within the original decision letter to the applicant/recipient.

There is an administration fee of \$750 for an application for a reconsideration of a decision, and a cheque for this amount, payable to the RACGP, along with the request for the reconsideration, and detailed relevant documentation, should be forwarded to the College administrative unit representing the decision-making body, as detailed in the letter received.

5.1.2 In requesting reconsideration, the applicant must, within 10 working days of receipt of the decision letter:

- respond to the reasons given for the decision, as described in the decision letter
- submit more information if required.

In requesting reconsideration, the applicant may include any other information they think is relevant. If, however, any of the newly presented information falls outside of the grounds and terms contained in this or other College policies, the College will not be obliged to consider the further information provided.

5.1.3 An extension to the 10 working day time limit, of up to a further 10 working days, may be requested directly from the College administrative unit manager representing the decision-making body. Reasons for extensions will be documented in the applicant's file.

5.1.4 The applicant will be informed in writing of the reconsideration process to be used at least 20 working days before the process is to take place.

5.1.5 The processes for reconsideration of a decision will include reconsideration among the original decision making body or those who made the decision, which will include at least one senior Fellow (for example a member of the committee involved in the original decision). At least one senior member of staff of the College will tender advice. Reconsideration will not include a verbal submission from the applicant or their representatives.

5.1.6 The applicant will be informed in writing of the outcome of the reconsideration within 20 working days of the conclusion of the reconsideration process.

5.1.7 The letter communicating an outcome upholding a decision against the applicant will contain the reasons for upholding the decision. If necessary, in the event that a decision against an applicant is upheld, instructions will be given on how the applicant can request further steps and the costs and time frames which may apply.

In the event of a finding in favour of the applicant, the letter communicating the outcome need not necessarily give reasons for the outcome, but will give information to the applicant on the implications of the outcome and any instructions for further action required of the applicant. In

cases where the original decision is not upheld (i.e. that the unfavourable decision is overturned) applicants will be reimbursed the \$750 administration fee.

## 5.2 Review of original decision

- 5.2.1 If the reconsideration of the original decision is unfavourable to the applicant, the applicant may subsequently request a second step involving a **review** by a more formally constituted committee. All decision letters will advise the applicant/recipient that they have the right, within 10 working days of receipt of the decision letter (regarding a reconsideration), to request a **review** of the reconsidered decision.
- 5.2.2 Review committees will be constituted as required. The membership will be decided by the College as required and will include at least two senior College Office Bearers or other Fellows with governance responsibility for the decision, and at least one senior College staff member to tender advice. The Committee will accept information from those individuals who were involved in making the original decision and its reconsideration, but will not otherwise involve them in the review of the decision. Review committees will not consider verbal submissions from the applicant or their representatives, but will consider **any** written submission.
- 5.2.3 Applications for review of a decision must be addressed as appropriate to one of the following addresses:

In the case of reviews of decisions **other than assessment decisions**, please address correspondence as follows:

Chief Executive Officer  
Royal Australian College of General Practitioners  
1 Palmerston Crescent  
South Melbourne  
Victoria 3205

In the case of reviews of decisions **that do relate to assessment decisions**, please address correspondence as follows:

Board of Censors  
C/o Chief Executive Officer  
Royal Australian College of General Practitioners  
1 Palmerston Crescent  
South Melbourne  
Victoria 3205

There is an administration fee of \$750 for an application for a review of a decision, and a cheque for this amount, payable to the RACGP, along with the request for the review, and detailed relevant documentation, should be forwarded to the Chief Executive Officer.

- 5.2.4 The applicant will be informed in writing of the outcome of the review within 20 working days of the conclusion of the reconsideration or review process, as relevant.
- 5.2.5 The letter communicating an outcome upholding a decision against the applicant will contain the reasons for upholding a decision. If relevant, in the event that a decision against an applicant is upheld, instructions on how the applicant can request further steps and the costs and time frames which may apply will be provided.

In the event of a finding in favour of the applicant, the letter communicating the outcome need not necessarily give reasons for the outcome, but will give information to the applicant on the implications of the outcome and any instructions for further action required of the applicant. In cases where the original decision is not upheld applicants will be reimbursed the \$750 administration fee.

### **5.3 Formal hearing by the Appeals Committee**

- 5.3.1 A hearing by the Appeals Committee is open to any person who perceives themselves to be adversely affected by a decision of the College, where that decision has not been changed following a reconsideration and review as outlined in Sections 5.1 and 5.2 of this Appeals policy.
- 5.3.2 The lodging of an appeal to the Appeals Committee is a last resort after the applicant has exhausted all avenues of reconsideration and review of the original decision. Where such avenues appear still to remain, the Chair of the Appeals Committee and/or the Chief Executive Officer (CEO) will ensure that they are made available to the applicant.
- 5.3.3 Appeals are to be lodged within 20 working days of receipt of the reviewed decision. The Appeals Committee has the discretion to hear an appeal after the time has expired if reasonable grounds have been established.
- 5.3.4 A request for an appeal must be submitted to the CEO in writing and be accompanied by all relevant information and documentation, including the grounds upon which the appeal is being made.

There is an administration fee of \$3000 for an appeal and a cheque for this amount, payable to the RACGP, along with the request for a formal appeal, should be forwarded to:

Chief Executive Officer  
Royal Australian College of General Practitioners  
1 Palmerston Crescent  
South Melbourne  
Victoria 3205

Within 20 working days of receipt of the request for an appeal, the College will formally acknowledge receipt of the request. Acknowledgement will include advice on any deficiencies in the request, timelines for correction of those deficiencies, and timelines for other matters related to the progression of the appeal. Acknowledgement will also describe for the applicant the process to be followed, including advice that reconsideration and review must be completed before a formal appeal can be instigated.

## **6.0 GROUNDS FOR APPEAL**

### **6.1 Scope of decisions considered**

The decisions which may be appealed are:

- Fellowship and membership of the RACGP
- Rescission, suspension or revocation of membership
- An adverse finding in relation to eligibility to present for, finding of academic misconduct during, and results from, any College assessment process leading to Fellowship, such as College Examination, Practice Based Assessment (PBA), Modular Assessment Pathway (MAP) and Assessment of International Medical Graduates for Australian-equivalent general practice experience
- accreditation of supervisors or general practices for participation in general practice training and assessment programs and activities
- Quality Assurance and Continuing Professional Development determinations in relation to individual Members and Fellows. This does not apply to Accredited Providers or Endorsed Providers of Quality Assurance and Continuing Professional Development activities, who are governed by a contractual framework
- The College's refusal to grant special consideration to a Candidate for a Fellowship examination or other College assessment in respect of an application properly made by the Candidate
- The College's refusal to review the result of an assessment Candidate by reason of procedural error occurring in the examination process

- The College's refusal to acknowledge a procedural error in any assessment processes leading to Fellowship
- A finding of academic misconduct
- A finding of non-participation or non-compliance in the Quality Assurance and Continuing Professional Development program.

## 6.2 Grounds for appeals

An appeal may be made only on one or more of the following grounds:

- (i) that the original decision was the result of an error of interpretation in law. That is to say, that the original decision maker misunderstood the scope of the power conferred by the College regulations in either reaching a determination or refusing to entertain an application properly made
- (ii) that the original decision was the result of an error in due process. This would relate to a failure to adhere to time limits or a failure to pay due regard to what the applicant has to say in an impartial manner unaffected by unlawful bias or discrimination
- (iii) that the original decision was inconsistent with the College's policies
- (iv) that relevant information, whether available at the time of the original decision or subsequently, was not considered, and/or
- (v) that the original decision was made in bad faith in that it was a decision that no reasonable person could make based upon the evidence and arguments put before the body or person making the original decision.

The applicant needs to be aware that the weight accorded to factors which she or he regards as relevant may not be factors that the College regards as having overriding importance. For this reason, applicants are urged to review College policies that have particular relevance to the nature of the appeal and the factual matrix giving rise to the appeal.

The applicant will have the onus of proof to establish the ground(s) of the appeal to the Appeals Committee.

The Appeals Committee is not bound by the rules of evidence in making its determinations, but documentary evidence or corroborative evidence will be considered of greater probative value in establishing the facts the applicant seeks to rely upon to establish the grounds of appeal.

## 7.0 CONSIDERATION OF APPEALS

7.1 At least 15 working days prior to the hearing of the appeal, the CEO will advise the applicant in writing of:

- (i) the date, time and place of the hearing
- (ii) the right of the applicant to appear before the Appeals Committee
- (iii) the right to have one other person, who may be their legal representative, accompany them during their appearance
- (iv) the requirement to seek prior written permission from the Appeals Committee if the applicant wishes to have more than one person accompany them
- (v) the estimated costs of the appeal which may be incurred by the applicant.

7.2 The hearing of the Appeal may be informal.

7.3 Each appeal will be decided on its merits.

7.4 The Appeals Committee is not bound by the rules of evidence of Victoria or any other Australian jurisdiction, and may inform itself on any matter and in such manner as it thinks fit. The Appeals Committee may receive written submissions at any time in the course of a hearing, and may invite any person to appear before it or to provide information, at its discretion. The Appeals Committee will first collect all of the relevant evidence and facts it requires and then determine whether the College acted properly according to law and College policy in reaching its decision.

- 7.5 All information made available to, or which comes to the attention of, the Appeals Committee will also be made available to the applicant as soon as is practicable, and sufficient time will be given to the applicant to consider her or his position in light of the relevant information.
- 7.6 An applicant to the Appeals Committee will, at their own cost, have the right to appear and address the committee in relation to his or her submissions. The applicant may be accompanied by another person who, at the applicant's cost, may be an advocate or the applicant's legal representative. The applicant may be accompanied by more than one person at the applicant's cost, if prior permission has been requested by the applicant in writing, and been given in writing by the Appeals Committee.
- 7.7 The candidate may withdraw her or his request for a formal appeal at any time by notice in writing to the College, and the College may refund the whole or a portion or none of the fee, depending on the stage at which the appeal is withdrawn.
- 7.8 The Chief Executive Officer may delegate his or her powers and duties in respect of any appeal to such person as he or she determines. Such person will be a person who has not been involved with the original decision, or with any decision reconsideration or review process in relation to the particular matter.

## **8.0 COMPOSITION OF THE APPEALS COMMITTEE**

- 8.1 The Appeals Committee may be convened by the Chief Executive Officer. It will comprise the following members:
- (i) Chair, a member of Council who is a FRACGP
  - (ii) Members, relevant past Chair, a past Censor-in-Chief or past President of the College who is a FRACGP
  - (iii) one Fellow of the College not involved in the subject matter of the appeal but familiar with the general operations of that part of the College from which the appeal has arisen
  - (iv) up to three other persons who are not Fellows or staff members of the College of whom one, or more, shall be a lay person, and one shall be a legal practitioner drawn from the College's legal advisers.
- 8.2 The Appeals Committee will not include any individual who was a party at any stage to the decision of the College to which the appeal relates.
- 8.3 The Chief Executive Officer shall be Secretary to the Appeals Committee, but shall not for the purposes of voting form part of the Appeals Committee.
- 8.4 A quorum is the full Appeals Committee.
- 8.5 All members of the Appeals Committee are entitled to a vote. The Appeals Committee shall decide on the basis of a majority vote. In the event of an equality of votes, the committee Chair shall have the casting vote.
- 8.6 In the case of appeals in relation to assessment decisions, the Censor in Chief or a Censor may be a member of the Appeals Committee (under Section 8.1 (iii) above), subject to conflict of interest considerations as contained in Section 5.0.

## **9.0 DECISIONS OF THE APPEALS COMMITTEE**

- 9.1 An Appeals Committee may, upon considering all submissions:
- (i) Confirm the decision which is the subject of the appeal
  - (ii) Revoke the decision which is the subject of the appeal
  - (iii) Revoke the decision and refer the decision to the relevant Board or Committee for further consideration (upon such terms or conditions of the Appeals Committee may determine)
  - (iv) Revoke the decision and make recommendations to Council on an alternative decision
  - (v) Substitute its decision for that of the original decision maker.

- 9.2 The Appeals Committee will issue a written decision, with reasons for the decision, within 15 working days of the appeal hearing or within 15 working days of receiving written submissions (only if requested by the Appeals Committee) after the appeal, whichever is later.
- 9.3 The Appeals Committee may recommend to the Council whether part or all of the costs associated with the appeal hearing should be waived or refunded to the applicant.
- 9.4 The Appeals Committee may recommend to the Council changes to policies and/or decision-making processes arising from or becoming apparent during the appeal process.
- 9.5 It is the role of the Appeals Committee to ensure that procedures contained in this policy have been adhered to at all stages. Any member of the Appeals Committee may request, at any time, evidence from the College that correct procedures have been adhered to.

## **10.0 PROCEDURES FOR THE CONDUCT OF MEETINGS OF THE APPEALS COMMITTEE**

- 10.1 The Appeals Committee will meet before the hearing to review the matter before it.
- 10.2 The hearing is to be conducted with all parties present. However, the Appeals Committee may, in its absolute discretion, hear the parties separately.
- 10.3 All questions and statements must be directed to the Chair.
- 10.4 The Chair will invite first the applicant then any other party appearing before it to summarise his or her submission and/or responses to the Appeals Committee prior to his or her formal presentation.
- 10.5 The Chair will invite the applicant to present his or her submission and may at any time direct the applicant to any point of that submission or invite questions on any point of that submission.
- 10.6 The Chair will then invite members of the Appeals Committee to seek clarification from the applicant of any matters raised.
- 10.7 The Chair will then invite the chair of the original decision making authority or their delegate to provide input regarding the original decision made, and to clarify any questions the Appeals Committee may have.
- 10.8 The Chair will then invite any other person attending to provide information to the Appeals Committee or to comment on the submission of the applicant.
- 10.9 The Appeals Committee may direct questions to any person attending to provide information to the Appeals Committee.
- 10.10 The applicant will be asked to respond or make submissions in relation to material presented by other parties or participants.
- 10.11 The Chair will then request the applicant and other parties to withdraw from the meeting while the Appeals Committee discusses the matter, but to remain available to clarify any further matters if required.
- 10.12 The parties involved in the appeal will, if the Appeals Committee requires such further clarification, rejoin the meeting and provide the clarification sought.
- 10.13 The applicant will be asked if he or she has any further submission or wishes to make any further comments or responses before the meeting is closed.
- 10.14 The applicant will withdraw from the meeting.
- 10.15 The Appeals Committee will vote on the appeal. Decisions will be by majority vote. In the event of an equal number of votes, the Chair will exercise a casting vote.

10.16 The proceedings of the Appeals Committee will be recorded in writing as minutes.

Minutes of the hearing shall contain only the decision(s) of the committee, its reasons for those decision and any recommendations.

The proceedings and the information provided to the Appeals Committee shall be kept confidential. Confidentiality may be waived by the applicant, or may be waived by the College as required by law.

10.17 The Appeals Committee will provide a written report to Council via the office of the Chief Executive Officer within 20 working days of its determination.

10.18 The decision of the Appeals Committee will be provided in writing to the participants by the Chair within 20 working days of the hearing.

## **11.0 DECISION IS FINAL**

The decision of the Appeals Committee will be final. If the applicant is successful, her or his sole avenue of recovery against the College or the decision maker for economic loss of any nature whatsoever is limited to any order which the Appeals Committee may make as to costs or refund of fees paid. In no circumstances will any decision maker be liable for damages howsoever arising from a decision made which is adverse to the applicant.

## **12.0 POLICY ADMINISTRATION PROCEDURES**

### **12.1 Access to published policy**

Members, Staff and the general public will have access to this policy.

### **12.2 Promulgation of published policy**

Relevant Members and Staff will be sent communications explaining the function and role of this policy. Staff will be further educated in how to use and apply this policy.

### **12.3 Review of this policy**

This policy will have a review cycle of three years.

## **Appendices**

### **Appendix 1 Decision making flowchart**



### College Assessment Decisions

