



## Appeals

### Purpose

An appeal process which follows the Rules of Natural Justice will provide for fair and equitable adjudication of accreditation processes that are contested. The purpose of an appeal would be to determine if any errors, oversights or omissions have occurred in the accreditation decision making process.

### Policy

1. Programs may appeal the process that led to an adverse category of accreditation accorded; such as: Probationary Accreditation, Accreditation Withdrawn or if accreditation is withheld.
2. An appeal must be based on one or more of the following grounds:
  - 2.1. There were errors or omissions in carrying out prescribed procedures on the part of the program review team;
  - 2.2. There was demonstrated conflict of interest, bias or prejudice from one or more members of the program review team during the accreditation site visit.
3. The issues addressed by the Appeals Committee will be limited to those stated in the appeal made by the program. The appeal is based on the information available at the time the accreditation decision under appeal was made. New information or materials which were not available when the decision was made cannot be considered in the appeal.
  - 3.1. Any new information or material relating to changes in program conditions implemented after the date of the accreditation decision being appealed is not admissible in the appeal. It should be submitted to CoARTE as follow-up and will be the subject of a new assessment.
4. The decision of the Appeals Committee is definitive and without appeal.
5. The cost to file an appeal is \$1,000.00. If an appeal is denied, the program that filed the appeal is responsible for the costs associated with the appeal process, up to a limit of \$10,000.00. Appellants are not entitled to compensation for any costs incurred in association with an appeal.



## **Procedures:**

1. The chief executive officer of the school in which the respiratory therapy program is housed, may appeal any of the decisions of CoARTE specified in the policy. This appeal must be submitted within 30 days of receiving written notice of the final Accreditation decision.
2. The appeal letter from the school must set forth the grounds for the appeals and state the reason(s) why the program believes those grounds exist. The program may include relevant supporting documents with the letter. Upon receipt of the appeal, CoARTE will maintain its accreditation decision until the appeal process is complete. The public information will indicate the accreditation status and that an appeal process is ongoing.
3. The Director will acknowledge receipt of the request for reconsideration and will act as the liaison between the program and the appeals committee. The appeal must be addressed in writing, to the Chair of CoARTE and must specify the grounds on which the appeal is being made. Further, the appeal must include the documentation necessary to supporting the appeal.
4. Upon receiving the letter notifying of the appeal, the Accreditation Director will forward the letter to the CSRT Executive Director, the CoARTE Chair, the CSRT President and the Provincial Registrar (for information only).
5. Within 30 days of receipt of the appeal, the CSRT Executive Director will appoint a five-person Appeals Committee. The Appeals Committee must include public member and one member who possesses an understanding of the Rules of Natural Justice.
  - 5.1. Members will:
    - 5.1.1. not be current members of the Council on Accreditation for Respiratory Therapy Education (CoARTE)
    - 5.1.2. not be in a conflict of interest with the program
    - 5.1.3. will not have had any involvement in the processes or procedures relating to the accreditation decision under appeal or to any prior accreditation decision for that program
    - 5.1.4. not reside or practice in the province of the appellant.
6. The Accreditation Director will confirm that the proposed members are willing to serve on the Appeals Committee and will notify the program of the names of the five proposed members. If



the program shows good cause why a proposed member is unacceptable, another member will be selected.

7. The Appeals Committee shall meet, face to face or by conference call, no later than 60 days after the request for an Appeal was made.
8. The program may elect to have one or more representatives appear before the Appeals Committee to make oral and/or written presentations and to respond to questions from the Appeals Committee.
9. The Chair of CoARTE or his or her designate and the Director of Accreditation Services will also appear before the Appeals Committee to support the decision of the Council and to respond to questions of the Appeals Committee. Legal counsel may accompany either party. At any time during the appeal process, the Appeals Committee may request the assistance of legal counsel from the CSRT to provide guidance in the interpretation and resolution of legal or procedural problems that arise in the context of an appeal.
10. The Appeals Committee, the appellant, CoARTE's representative and legal counsel will be furnished with all the documents reviewed by CoARTE in making its decision. In addition, the letter notifying the program of the Accreditation Council's decision and the letter of appeal by the program will be provided.
11. There are two possible decisions the Appeals Committee may make. They may:
  - a) Deny the appeal and uphold the accreditation decision being appealed.
  - b) Accept all or a portion of the appeal. The Appeals Committee may exercise all powers of CoARTE to take any action which CoARTE may take and as the Appeals Committee considers proper, and for such purposes, the Appeals Committee may substitute its opinion for that of CoARTE or the Appeals Committee may refer the matter back to CoARTE for rehearing, in whole or in part, in accordance with such directions as the Appeals Committee considers proper.
12. The committee will provide a decision on the appeal in writing, detailing its findings, recommendations and reasons for same, within 30 days of the appeal meeting. The letter will be addressed to both parties. Copies will be forwarded to the Registrars in each regulated province, and the Executive Director of the CSRT.

<b>Policy History</b>
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Approved by the CSRT Board of Directors May 24, 2016.
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