

CREATING AN ARTICLE 14.5 DEPARTMENTAL APPEAL COMMITTEE

In October 1997, the FSA's Association News bulletin published a detailed sample of a Departmental Appeals Process. The right of members to engage an appeals process for Departmental decision-making is established in Article 14.5 of the Collective Agreement. That language proceeds: Departments "shall have a procedure, approved by a majority of the members of the Department, through which appeals of Departmental decisions may be processed." Given the wide range of decisions made by Departments or their proxies—including, but not limited to, vacation period selection, Department employment and appointment selection procedures, assignment of workload, allocation of month free of teaching, and the scheduling of certain types of leave—it is wise that the Collective Agreement determines that a formal mechanism should be in place for appeals.

At the November 2025 meeting of Tech Reps, staff provided guidance on developing an appeals process, drawing largely on the nearly 30-year-old Association News article. The FSA does not intend to be prescriptive in its advice to Departments regarding Article 14.5. Rather, the sample process, developed below, is offered as a starting point from which Departments wishing to develop their own procedures may draw.

Forming the Committee and Preliminary Work

- Departments should elect an odd number of members (perhaps three or five, depending on factors like Department size or anticipated appeals) to the Departmental Appeal Committee (DAC) for a limited term.
 - The DAC derives its authority from the Department.
 - The DAC should meet promptly to elect a Chair to receive appeals.
 - DAC members must adhere to principles of fairness and due process, including accommodating participation and unbiased conduct.

The DAC Chair

- Should distribute copies of the appeal to other DAC members and the individual(s) responding for the Department.
- Should schedule a meeting accessible to the parties.
- May Chair the appeal hearing itself or delegate Chair responsibilities.

- Prepare and deliver recommendations to the Appellant and other parties no longer than five days following the hearing.
- Ensure that the evidence is included in the decision.
- Ensure the Collective Agreement is not violated.

The Decision

- May find the appeal outside the jurisdiction of the DAC.
- May uphold the appeal and the remedy sought.
- May uphold the original Departmental judgement.
- May recommend an alternate course of action to be taken by the originating decision-making body.
- Should include a strict and truncated timeline if action is to be taken.

The Appellant

- Should be heard by the DAC at the hearing.
- Should speak on their appeal.
- Should be allowed to introduce and cross-examine evidence.
- May be accompanied by another Department member.

Departmental Appeals Processes enhance the democratic functioning of Departments at BCIT. This article should be viewed as a loose guideline from which Departments may construct their own procedures best suited to the particularities of their situation.

