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13. Appeals

13.1. Right of appeal

A program or institution may appeal a decision that

a. denies eligibility for accreditation

b. denies accreditation for

1. initial accreditation or reaccreditation
2. four-year continued accreditation
3. nine-year continued reaccreditation
4. continued initial accreditation of an additional branch

c. withdraws accreditation

13.2. Appeal of denial of eligibility

A decision regarding the eligibility of an applicant is not an accreditation decision. Eligibility is not a form of preaccreditation and is not based on evidence of compliance with *CEA Standards*. It confirms only that an applicant program or institution and the educational programs it offers fall within CEA's scope and that other eligibility requirements as specified in the *CEA Policies and Procedures* are met.

The eligibility decision is made by CEA staff, based on the following documents of record:

1. The Application for Eligibility and attached documents submitted by the applicant
2. Additional documents provided by the applicant upon CEA staff request
3. Correspondence between CEA staff and the applicant site to clarify any application matters

The scope of appeal of denial of an application for eligibility is limited to specific grounds. It must be based on evidence that CEA misinterpreted factual information that was submitted by the program or institution in support of its application for eligibility.

13.3. Process for appeal of denial of eligibility

a. Within 15 days of the date of the letter denying eligibility, the applicant must inform the executive director in writing of the intent to appeal and the grounds for appeal. The appropriate deposit must be included.

b. Within 3 days, the executive director will confirm whether the applicant has grounds for appeal and will notify the applicant in writing.

c. If the applicant has grounds for appeal, within 15 days of confirmation by the executive director, the applicant will provide an appeal document with evidence that CEA misinterpreted factual information submitted with the applicant's application for eligibility.

d. Within 15 days of receipt of the appeal document(s), the voting members of the Executive Committee will review the following documents

    1. the original application for eligibility and attached documents

    2. any additional documents submitted by the applicant and the correspondence between the applicant and CEA prior to the decision to deny eligibility

    3. the applicant's appeal document(s)

e. The Executive Committee will make one of the following decisions.

    1. Uphold the denial of eligibility, in which case it will provide a written statement for doing so.

    2. Overturn the denial of eligibility, in which case it will provide the rationale in writing and direct the executive director to issue an eligibility letter to the applicant, permitting the applicant to begin the accreditation process.

The decision of the Executive Committee is final.

13.4. Appeal of decisions to deny or withdraw accreditation

13.4.1. Appealable decisions

The following accreditation decisions may be appealed:

a. Denial of initial accreditation or reaccreditation

b. Denial of four-year continued accreditation or nine-year continued reaccreditation

c. Denial of continued initial accreditation of an additional branch

d. Withdrawal of accreditation

A grant of one-year initial accreditation instead of five-year accreditation, or one-year reaccreditation instead of 10-year reaccreditation may not be appealed.

13.4.2. Scope of appeal

Appeals of these decisions are limited to the specific following grounds, which must be based on one or more of the following claims:

a. The Commission based its decision on factual information that was

   i. substantially incorrect
   ii. not related to the Commission's criteria for such decisions
   iii. not supported by the record
   iv. of insufficient weight to support the decision.

   If the grounds for the appeal is factual error, the appellant program or institution must demonstrate that it sought to correct these errors in its response to the review team report or that the error is otherwise plain on the face of the record.

b. The Commission, in making its decision, departed substantially from its procedures and protocols established in writing or by custom, including, but not limited to, those concerning fairness.

c. The Commission's decision was arbitrary and capricious.

d. Bias or other procedural error not on the face of the record affected the decision.

13.4.3. Appeals Board

a. Appointment

   When an appeal is submitted, the Commission chair, in consultation with the Executive Committee, will appoint an Appeals Board, which functions independently from the Commission. In determining the size and composition of the Appeals Board, the Executive Committee will take into consideration the nature of the appeal and the scope of activities of the program or institution making the appeal. In no case will any member of the Appeals Board have been involved in review of the appellant program or institution at any point leading to this or any other decision under appeal, or have any other conflict of interest with the appellant program or institution.

b. Composition

   The Appeals Board will comprise four members with the following characteristics:

   i. former commissioners, appointed as academics or administrators (if the appellant site is an institution) or as educators or practitioners (if the appellant site is a program) according to their roles either when they served on the Commission or at the time the Appeals Board is appointed.

   ii. at least one member will represent the type of program or institution making the appeal in addition to fulfilling requirements for one of the other criteria.

   iii. a public member, who may be but is not required to be a former commissioner.

   iv. optionally, no more than one CEA reviewer who has served successfully on several site visits and is not a former commissioner.

c. Conflict of Interest

Members of the Appeals Board will sign a CEA Conflict of Interest/Confidentiality Agreement for Appeals Board members. In particular, no member of the Appeals Board hearing a particular appeal may have participated in the Commission's earlier decision or have any indirect interest, personal or professional, in the site that has filed the appeal of a Commission decision.

d. Purpose and authority

The Appeals Board functions as an independent, separate, and objective third-party body that is representative of the field of teaching English to speakers of other languages. The Commission does not participate in the appeal. The Appeals Board must follow the procedures stated throughout this policy in order to render a fair decision. The decision of the Appeals Board is final.

e. Appeals Board orientation

To fulfill their roles and responsibilities, members of the Appeals Board receive an orientation to the appeals process that includes:

i. a memo outlining the Appeals Board's obligations and the appeal procedure
ii. the history of the decision under appeal
iii. the timeline for the appeal at hand

f. Appeals Board meeting

The Appeals Board may meet in person or virtually.

13.4.4. Possible Appeals Board actions

The range of actions that the Appeals Board may take is limited to the following:

a.	Affirm	This action affirms the Commission decision.
b.	Amend	This action amends the Commission decision.
c.	Reverse	This action reverses the Commission decision.
d.	Remand	This action remands the case back to the Commission for further consideration based on specific issues identified by the Appeals Board, which the Commission must address in keeping with the decisions and instructions of the Appeals Board.

A decision to do other than affirm the decision of the Commission requires a determination by the Appeals Board that the Commission committed an error within the scope of appeal stated in these policies and that the Commission's decision would likely have been different absent the error.

13.5. Appeals procedures

a. All accreditation decisions of the Commission will be communicated to programs and institutions by email with delivery and read confirmation requested, or by other means for which receipt is subject to verification.

b. A program or institution is entitled to appeal any decision of the Commission listed in Section 13.1. Right of appeal by submitting a written notice of appeal to CEA, which must be received at the CEA office within 30 days of the receipt of the Commission decision and must include the required deposit. The notice must identify the decision being appealed and the grounds for the appeal.

c. Within 30 days of receiving the notice, the chair of the Commission will send the appellant a list of proposed Appeals Board members. Within 10 days of receiving the list, the appellant may object to individuals from the list upon the basis of conflict of interest. The chair of the Commission will determine if an actual conflict of interest exists and, if determined to exist, will remove that person from the list of those proposed. From the remaining names on the list, the chair will appoint members of the Board and inform the appellant. If the appellant does not report a conflict, the list is considered approved by the appellant after 10 days.

d. Once the Board is convened it will receive the full written record upon which the Commission based its decision, comprised of

    1. the site's self-study report, including responses to financial standards
    2. the review team report and the financial review report
    3. the site's response to the review team and financial reports
    4. in the case of a complaint, the record of the complaint
    5. the accreditation decision and related Commission findings
    6. in the case of withdrawal of accreditation, the record of the advisory and adverse actions leading to withdrawal

e. The appeal will be based entirely upon the written record, subject solely to the addition of documents related to claims of bias or other procedural error not on the face of the record and will not include any appearance by the subject program or institution, although the site will have the right to make a written submission.

f. The site will have and will be informed of the right to retain counsel, at its own expense, to assist it in preparing its submission to the Appeals Board. However, the role of counsel is limited, and other than through writing, counsel is prohibited from directly contacting CEA staff, commissioners, and members of the Appeals Board. The appellant will be provided with a copy of the CEA document "Role of Appellant's Counsel" which outlines the role in detail.

g. Within 30 days of filing its notice of appeal, the appellant must file with the Appeals Board a detailed appeals document, explaining the reasons that it believes the Commission's decision was in error. The explanation must be based upon the written record, as listed in Section 13.5.d above, which formed the basis of the Commission decision, except in the event that the grounds for appeal is a claim of bias or other procedural error not appearing on the face of the record that was before the Commission. In such case, the appellant must present in writing as part of the appeals document any additional factual materials in support of its contention.

h. Although formal rules of evidence will not apply, any statement offered to prove a fact necessary to the disposition of the appeal must be in the form of a statement verified by the source and containing their name, address, telephone number, and email address if relevant.

i. A program or institution against which an adverse action is based solely on failure to meet financial standards may seek review of additional significant financial information one time only if that information was not available prior to the final adverse action and bears materially on the financial deficiencies identified through the review process. Any determination by CEA upon review of the new financial information is not separately appealable.

j. The Appeals Board conducts its deliberations in executive session. There is no formal hearing or trial-type proceeding, no witnesses, and the rules of evidence are not applicable.

   i. However, the Appeals Board may in its sole discretion permit an informal oral statement to be made by the appellant virtually at a time established by the Appeals Board.

   ii. The appellant is expected to represent itself. However, the appellant's counsel may be permitted to participate, subject to the Appeals Board's sole discretion. Should the Appeals Board determine in its sole discretion that counsel's participation has exceeded its reasonable scope, the Appeals Board may at any time terminate counsel's participation.

k. The Appeals Board may seek additional information from the appellant, from the Commission, or from other knowledgeable parties, but it may not base its decision on a change in factual circumstances that has occurred subsequent to the Commission decision or on factual evidence not presented to the Commission when it was making the decision under appeal. If additional information is sought, the Appeals Board may extend the deadline for completion of the appeal for a reasonable time in order to permit the collection and consideration of the additional evidence.

l. Any decision must have the concurrence of the Appeals Board. In the event that a majority of the Appeals Board cannot agree on a particular resolution of the appeal, the decision of the Commission will be affirmed.

13.6. Resolution of appeals and notification of decisions

a. At a time in keeping with the timeline established for the appeal process, after its deliberations the Appeals Board will issue a written statement of its findings and instructions if any, to the Commission for final disposition.

   i. If the Board affirms the prior decision of the Commission, there is no further remedy available.

   ii. If the Board amends or reverses the decision, the Commission will take the specified action the next available Commission meeting.

   iii. If the Board remands the matter, the case will finally be disposed of when the Commission takes final action on remand.

b. The Appeals Board decision and the Commission's final action will be sent to the appellant program or institution by a means for which receipt is subject to verification.

c. Following the Commission's final action, CEA will publish the decision in conformity with the CEA policy on notifying sites and the public, and as required by law.

13.7. Effective date of action

The status of the appellant site at the time immediately prior to the Commission decision under appeal will remain in place from the date the appellant files the notice of appeal until the Appeals Board makes its final decision. The Appeals Board decision will then determine the status of the program or institution and will be effective and final on the date the Commission acts on the Appeals Board decision. The final decision may not be challenged in any other CEA forum.

13.8. Fees for appeals

a. Appeal of denial of eligibility

A deposit in the amount stated on the CEA Fee Schedule must be made at the time the intent to appeal is filed. The program or institution filing the appeal bears all direct costs involved in reviewing the appeal, including travel and subsistence, if any, of the Executive Committee voting members, as well as CEA counsel fees if participation by CEA's counsel is required in the appeal process.

b. Appeal of an accreditation decision

A deposit in the amount stated on the CEA Fee Schedule must be made at the time the intent to appeal is filed. The program or institution filing the appeal bears all direct costs involved in convening the Appeals Board, including travel and subsistence, if any, of the Appeals Board members, as well as CEA counsel fees if participation by CEA's counsel is required in the appeal process. CEA will invoice the site for any expenses of the appeal not covered by the deposit.

c. Retention and refunds

Actual expenses of an appeal, plus a 25% processing fee, will be deducted from the deposit, with any excess returned to the site. If the site withdraws its appeal at any time, CEA will retain 50% of the deposit or the amount needed to recover CEA expenses, whichever is greater.