

ALGONQUIN COLLEGE DIRECTIVE	NO. OF PAGES 8	DIRECTIVE NO. E15
	ORIGINATOR Vice-President, Academic	
	APPROVED BY President's Executive Committee	
TITLE ACADEMIC APPEAL	EFFECTIVE DATE 2005-08-29	REPLACES 2002-08-26

PREAMBLE

College faculty and administrative staff have the right and responsibility to exercise professional judgement in making decisions about student performance and progress. The College is accountable for setting and maintaining standards of academic performance. Algonquin College is committed to ensuring that students are treated fairly in regard to all matters that relate to their academic performance and progress. In keeping with this commitment, all students shall be provided with a fair opportunity to have decisions that they believe impact negatively on their academic performance and progress reviewed pursuant to policies and procedures established by the College.

POLICY

1. A student with no outstanding debts or obligations to the College has the right to formally appeal decisions concerning his or her academic performance and progression through a program of study. This will include decisions regarding:
 - grades which prevent the student's advancement in his or her program,
 - promotion,
 - academic discipline, and
 - plagiarism sanctions.

2. A student who believes that he or she has the basis for appealing an academic decision referred to in Section 1 shall first attempt to resolve the matter informally through immediate discussion with the person who has rendered the decision (see Section 7 for details regarding time limits). The expectation is that the decision under dispute is to be resolved as closely as possible to the level at which it originated, and as quickly as is possible with careful review. It is only when a dispute cannot be resolved through this informal process that a student will be provided the opportunity to formally appeal the academic decision.

3. College staff are to follow the procedures as described in this Directive. However, under certain circumstances, it may be necessary for these procedures to be

amended. All such amendments will be available to the College without recourse by the student, provided they do not cause prejudice to the student and continue to result in a fair appeal process.

4. This Directive does not apply to academic decisions regarding grades. Students are referred to Directive E24 – Review of Final Grades regarding these types of decisions. Should the outcome of a review of final grade under Directive E24 prevent the student’s advancement in his or her program, the student may apply under this directive.
5. It is recommended that a student, who believes he or she has the basis for appealing an academic decision, seek the advice of the Ombudsperson at the earliest possible time in the process for support and direction.
6. All members of the college community will cooperate with the parties’ reasonable requests to provide evidence and to appear at the appeal hearing as witnesses.

PROCEDURES, ROLES AND RESPONSIBILITIES

7. On being informed in writing of an academic decision referred to in Section 1, the student has five (5) working days to discuss the decision with the professor who rendered it. If no resolution can be reached within these five (5) working days, the student has a further five (5) working days to initiate an appeal of the academic decision to the Appeal Committee.

Formal Appeal

8. The purpose of an Appeal Committee is to review the academic decision referred to in Section 1 and the grounds upon which the student disputes it. This review is to consider the application of various policies at the College, Faculty, School, Department and Program levels or other factors that have an impact on the decision rendered.
9. The Appeal Committee, upon completion of its review, is authorized to uphold, modify or reverse the academic decision being referred to in Section 1. As a result of an appeal, the decision being questioned may be upheld, modified or reversed.
10. Every Faculty will establish an Appeal Committee which will consist of:
 - one Executive Dean, Dean, or Chair, who will serve as Chair,
 - two professors, and
 - two students.

Membership on the Appeal Committee for administrators and professors will be for

two years, subject to renewal.

As well, one alternate for professors and one for administrators will be designated for a two year period. In cases where a permanent member of the Appeal Committee is involved in the original decision, he or she will be replaced by the designated alternate.

One student representative will be from the Students' Association and the second student representative will be from the Faculty

11. The composition of the Appeal Committee is to be communicated to the student and the affected professor(s) at least forty-eight (48) hours before the appeal is heard. Either party can challenge the composition of the Appeal Committee. Such challenge is to be made to the Executive Dean of the Faculty or the Dean of the School. If the challenge is determined by the Executive Dean or Dean to be reasonable, alternate members(s) will be appointed to the Committee, as required, to ensure a fair hearing. The hearing may be delayed by as much as five (5) working days in order that the replacement member(s) may be found.
12. The Chair of the Appeal Committee is responsible for providing secretarial support.
13. To initiate an appeal, the student must obtain an Appeal Application form and an Authorization for Release of Student Information form from the Registrar's Office. These forms are to be fully completed and returned to the Registrar's Office within five (5) working days of the date the student met with the professor to review the decision under dispute, as referred to in Section 7, with an appeal fee of \$25.00. The application must outline the reason for which an appeal is requested. The appeal fee will be refunded to the student in the event the academic decision is changed in favour of the student.
14. Upon receipt of the appeal request from the Registrar, the Executive Dean or Dean will notify the Appeal Committee Chair of the appeal. The Chair will convene an Appeal Committee meeting to take place within ten (10) working days of receipt of the application. At the request of the student to the Executive Dean or Dean, the time line can be extended by an additional five (5) working days.
15. The Chair will notify, in writing, the student, the person who rendered the academic decision and all other affected persons of the date, time, place and purpose of the meeting. The notice contemplated by this section must result in the person who receives the notice having at least five (5) working days between the receipt of the notice and the meeting.
16. At least five (5) working days before the hearing, the student and the professor are to provide to the Chair of the Appeal Committee the following information which will be

distributed to both parties and the Appeal Committee:

- Copies of the documents the student and the professor plan to introduce into evidence. Unless the other party or the Appeal Committee agrees, no other documents may be introduced.
 - A list of intended witnesses or a statement that no witnesses will be called. No witness other than those on the list may testify without the consent of the Appeal Committee. If a party is having difficulty getting cooperation from a potential witness, he or she will request assistance from the Executive Dean or Dean.
 - The name of any advisor appearing with the student and whether the advisor is a lawyer. An advisor cannot attend the Appeal Committee meeting without such notification, unless agreed to by the other party and the Appeal Committee. If the student elects to bring a lawyer, the College may elect to do the same. Any costs associated with the attendance of an advisor at the appeal for the student shall be the sole responsibility of the student.
17. After receipt of the information above, the Chair may meet with the parties and /or their advisors to clarify the issues to be heard by the appeal Committee, to answer any procedural questions, to consider limiting the number of witnesses, or to consider other matters which may help the conduct of the Appeal Committee meeting.
 18. All material that is referred to in Section 16 and any other material that the Chair deems to be necessary for the fair determination of the Appeal shall be provided to the student and all other affected persons at least two (2) working days prior to the appeal. All information is to be kept in the strictest of confidence. Any material not so provided, may, in any event, be considered at the Appeal, provided that fair and reasonable accommodation has been made by the Appeal Committee to ensure that no affected person is prejudiced by the failure to be provided with the material prior to the Appeal.
 19. The procedure to be followed at the Appeal Committee meeting is outlined in Appendix 1 of this Directive. This procedure may be amended by agreement of all affected persons or by the Chair if he or she determines that such amendment(s) will not prejudice any affected party and will ensure the fair determination of the appeal.
 20. The Appeal Committee will issue a written decision with reasons and will communicate it to the student, the Executive Dean or Dean, the Registrar and all other affected persons within five (5) working days of the completion of the appeal.
 21. The Chair will keep a record of the Appeal Committee meeting, which will be kept on file with the appropriate academic department. It is not necessary for the Appeal Committee to generate a transcript of the appeal, but summary notes of the evidence presented should be recorded. The record shall consist of:

- The Appeal Application form;
 - The notices referred to in Section 15;
 - All documentation, information and material that was submitted to the Appeal Committee pursuant to Sections 16 and 18;
 - The written decision that was issued by the Appeal Committee;
 - Any other material that the Appeal Committee considers necessary to ensure that the record results in a fair and comprehensive account of the appeal, including summary notes of the evidence presented.
22. The decision of the Appeal Committee is final. A student who believes that he or she has not received a fair hearing may request an Appeal Review as per Section 23.

Appeal Review

23. A student may appeal the decision of the Appeal Committee to the College Appeal Review Committee only on the following grounds:
- A substantial procedural error has been committed by the Appeal Committee which has denied the student a fair hearing;
 - New evidence is available that, through no fault of the student, was not available at the time of the appeal to the Appeal Committee;
 - The sanctions imposed by the Appeal Committee are patently unreasonable or substantially disproportionate to the circumstances or offence.

There shall be no other grounds for an appeal review. For the purposes of clarification, the Collge Appeal Review Committee does not have the authority to re-hear the student's case on its merits, as the decision of the Appeal Committee is final (see Section 22).

24. A request for an appeal review is to be submitted within ten (10) days of the student receiving the decision of the Appeal Committee.
25. To initiate an appeal review, the student must apply in writing to the Registrar's Office. The application will outline the following:
- The decision of the Appeal Committee that is being appealed;
 - The ground(s) upon which the appeal review is being made as per Section 23;
 - The specific relief that is being requested.

The application will include an appeal review fee of \$50.00. This fee, together with the appeal fee referred to in Section 13, will be refunded to the student in the event the decision of the Appeal Committee is changed in favour of the student.

26. Upon receipt of a request for an appeal review from the Registrar's Office, the Vice-President, Academic shall convene a Panel, composed of two academic

administrators and chaired by the Vice-President, Academic, to determine if there is sufficient grounds for an Appeal Review, based on Section 23. Only to the extent necessary to determine whether any of the three grounds of appeal exist may the Appeal Review Panel hear evidence. If the request is granted, it will be referred to the Appeal Review Committee as described in Section 27.

27. The College Appeal Review Committee is to be established annually by the Vice-President, Academic and shall consist of:
- One Executive Dean who will serve as Chair of the Committee, but will have no voting privileges;
 - One Academic Administrator;
 - One professor, who has not been involved with the academic decision or its appeal to the Appeal Committee;
 - One student appointed by the Students' Association.

Membership on the College Appeal Review Committee for administrators and professors will be for a two year period, subject to renewal. One alternate for the academic administrator and the professor will also be designated. In cases where a permanent member of the College Appeal Review Committee is involved in the original decision, he or she will be replaced by the designated alternate.

The Students' Association will provide a student representative for a one year period, subject to renewal. One alternate for the student representative will also be designated.

In cases where the permanent member of the College Appeal Review Committee is involved in the original decision, he or she will be replaced by the designated alternate.

28. The composition of the College Appeal Review Committee shall be communicated to the student and other affected parties at least seven (7) working days before the appeal review is to be heard. Any affected person may challenge the composition of the committee. Such challenge shall be made to the Vice-President, Academic, in writing, at least five (5) working days before the appeal review is to be heard. If the challenge is determined to be reasonable, the Vice-President, Academic will appoint alternate member(s) to the committee, as required, to ensure a fair hearing.
29. The College Appeal Review Committee is to re-hear the case presented at the Appeal Committee and is to consider any additional evidence if this is the reason for an appeal review (see Section 23).
30. The College Appeal Review Committee is authorized to amend or reverse the decision of the Appeal Committee.

31. Should the request for an appeal review be granted, the Vice-President, Academic will notify the Chair of the College Appeal Review Committee. A copy of the student's letter requesting an appeal review, all pertinent records and a copy of the notes of the appeal will be forwarded to the Chair of the College Appeal Review Committee.
32. The Chair will arrange a meeting date for the Appeal Review within ten (10) working days of the receipt of notification from the Vice-President, Academic and notify the student and all other affected persons of the date, time and place of the meeting within seven (7) working days.
33. The Chair will provide a copy of the records referred to in Section 21 to the student and all other affected persons. The student and all other affected persons may submit written statements or other pertinent material to the Chair at least four (4) working days before the appeal review if such statements or materials are to be relied upon at the appeal review meeting.
34. All statements and material that are referred to in Section 33 and any other material the Chair deems necessary for the fair determination of the appeal review shall be provided to the student and all other affected persons at least two (2) working days prior to the appeal review meeting. All information is to be kept in the strictest of confidence. Any material not so provided, may, in any event, be considered at the appeal review, provided that fair and reasonable accommodation has been made by the College Appeal Review Committee to ensure that no affected person is prejudiced by the failure to be provided with the material prior to the appeal review.
35. A student, who desires to be represented by an advisor at the appeal review, shall notify the Chair of the name and credentials of the advisor at least two (2) working days prior to the date of the appeal review. An advisor cannot be brought without such notification, unless agreed to by the other party and the College Appeal Review Committee. If the student elects to bring a lawyer, the College may elect to do the same. Any costs associated with the attendance of the advisor at the appeal review shall be the sole responsibility of the student.
36. The procedure to be followed at the hearing of the appeal review is outlined in Appendix 1 of this Directive. This procedure may be amended by agreement of all affected persons or by the Chair if he or she determines that such amendment(s) will not prejudice any affected party and will ensure the fair determination of the appeal review.
37. The College Appeal Review Committee will issue a written decision with reasons and will communicate it to the student, the Vice-President, Academic, the appropriate Executive Dean or Dean, the Registrar and all other affected persons within five (5) working days of the completion of the appeal review.

38. The Chair will keep a record of the appeal review which will be forwarded to the Vice-President, Academic for retention. The record shall consist of:
- the appeal review application;
 - the notices referred to in Section 32;
 - all statements and material referred to in Sections 33 and 34;
 - the written decision issued by the College Appeal Review Committee;
 - any other material that the College Appeal Review Committee considers necessary to ensure that the record reflects a comprehensive account of the appeal, including notes about the evidence presented..
39. Decisions of the College Appeal Review Committee will be final and binding on all affected persons.

RELATED DIRECTIVES

Evaluation of Student Learning - E1

Academic Discipline - E16

Review of Final Grades - E24

Progression and Graduation Requirements - E29

(original signed by)

Vice-President, Academic

Appendix 1:

**ACADEMIC APPEAL and ACADEMIC APPEAL REVIEW HEARING
ORDER OF PROCEEDINGS**

ACADEMIC APPEAL

1. Introduction of attendees and opening remarks of the Chair of the Appeal Committee to explain the procedure.
2. The Chair will ask the student and the professor to present their evidence and any statements in the following order.
 - 2.1 The student will present his/her case.
 - 2.2 Questioning of the student by the Appeal Committee. Any questions the professor may have are to be directed to the Chair.
 - 2.3 The professor will present his/her case.
 - 2.4 Questioning of the professor by the Appeal Committee. Any questions the student may have are to be directed to the Chair.
 - 2.5 Statements to be presented by the student's witness(es).
 - 2.6 Questioning of the student's witness(es) by the Appeal Committee. Any questions the professor may have are to be directed to the Chair.
 - 2.7 Statements to be presented by the professor's witness(es).
 - 2.8 Questioning of the professor's witness(es) by the Appeal Committee. Any questions the student may have are to be directed to the Chair.
 - 2.9 At the discretion of the Chair, the student and/or the professor may provide a rebuttal.
 - 2.10 The student makes a closing statement.
 - 2.11 The professor makes a closing statement.
3. With permission of the Appeal Committee, evidence may be introduced out of order and additional evidence maybe introduced.
4. The Chair will then conclude the meeting and advise the student and all other affected persons how and when a decision will be communicated to them.

ACADEMIC APPEAL REVIEW

5. The procedure at the College Appeal Review Committee hearing shall be the same as above, unless all affected persons agree to a different procedure