

**AA19****Academic Appeal**

Classification:	Academic Affairs
Responsible Authority:	Dean, Academic Development
Executive Sponsor:	Senior Vice President, Academic
Approval Authority:	Algonquin College Executive Team
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**PURPOSE**

To provide learners with a fair and timely process to appeal decisions that impact their academic standing or progression when one or more of the academic appeal grounds are met: Compassion, course management, illness and/or disability, personal bias/unfair treatment and procedural error (refer to Appendix 1: Academic Appeal Grounds).

**SCOPE**

This policy applies to all learners. It also applies to employees involved in the appeal process and academic decisions that impact the academic standing or progression of learners.

Learners may initiate a formal appeal for academic decisions\* including but not limited to:

- Academic Misconduct
- Academic Progression
- Accommodation
- An assignment that does not allow a reassessment, such as presentations, field placements, clinical performances and or a specific field or clinical assignment.  
Note: The only possible resolution may be the opportunity to redo the presentation, field or clinical assignment. Field or clinical performance requirements may require learners to register in the next available intake.
- Experiential learning eligibility including Co-op
- Exceptional Circumstances
- Participation on College athletics teams and student government

- Prior Learning Assessment and Recognition
- Procedural error

\*Refer to Related Policies section

This policy excludes:

- Allegations regarding a learner's academic experience not related to academic standing or progression or a complaint against an individual employee (refer to policy SA03 Student Complaints)
- Claims of discrimination, harassment (refer to policies SA03 Student Complaints, SA07 Code of Conduct, SA16 Sexual Assault/Sexual Violence)
- International travel and accommodation arrangements for academic work or officially organized College activity abroad (e.g. exchange programs, research projects, internships, practicums, co-op work terms, clinical placements, conferences, service learning activities, volunteering, organized sport competitions or other extracurricular activities (refer to policy AA44 International Travel and Safety – Students)

## DEFINITIONS

Word/Term	Definition
Academic Administrator	An Academic Administrator is a Program Chair, Academic Manager, Associate Chair, Dean, Testing Services Manager, or designated decision-maker.
Academic Appeal	The process whereby a student formally appeals a decision pertaining to a grade, academic standing or academic progression. This process and associated timeline is defined in the College policy AA19: Academic Appeals.
Academic Appeal Advisor	An individual who provides guidance and support to a learner during the formal academic appeal process. This person can offer advice on how to prepare and present the appeal, help the learner understand the procedural steps, and may accompany the learner to the formal appeal hearings and address the appeal committee. The advisor may be a faculty member, staff member, or another individual chosen by the learner, and their role is to ensure that the learner's rights and interests are represented throughout the formal appeal process. Where the learner chooses to have the representation of an advisor, the College may also choose to bring an advisor.

Academic Appeal Committee	The Academic Appeal Committee is a group comprised of an academic administrator, learners and professors that review a learner's formal appeal related to academic standing or progression.
Academic Appeal Committee Chair	A designated academic administrator who serves as Chair of the Academic Appeal Committee.
Academic Appeal Review Committee	The Academic Appeal Review Committee is a group comprised of a dean, an academic administrator, a learner, and a professor that review academic appeal hearing decisions where specific reasons are met.
Academic Appeal Review Committee Chair	A designated academic administrator who serves as Chair of the Academic Appeal Review Committee.
Academic Good Standing	Academic Good Standing is a status assigned to a student who achieves a Grade Point Average (GPA) at or above 1.7 (equivalent to a letter grade C-) as well as any minimum grade requirements in a particular course(s) or program. A student is ineligible for an Academic Good Standing status when: <ol style="list-style-type: none"> <li>1. the program stipulates other requirements that are unmet; and/or</li> <li>2. a student is assigned an Academic Probation status</li> </ol>
Academic Misconduct	Academic Misconduct is any action taken by a learner that gives the learner an unearned advantage in matters affecting their academic standing.
Academic Progression	A minimum progression in a program based on completion of minimum standards for a level of a program of study in addition to minimum passing grade requirements.
Appeal Witness	An individual who provides testimony or evidence relevant to the appeal case being reviewed. This person may present firsthand accounts, insights, or expertise that can help clarify facts and support the arguments being made during the academic appeal.
Employee	Full-time and part-time College support staff, faculty and administrators.
Grounds	The reasons used to challenge an academic decision which the student believes is not fair or reasonable.

Learner	A learner is a prospective student; a lead or applicant; a registered student; a graduate; or an employee that is engaged in a learning activity with Algonquin College.
Office of the Ombudsman	The Office of the Ombudsman provides an independent, impartial, and confidential process through which learners may pursue the resolution of any college-related concern.
Prior Learning Assessment and Recognition	Prior Learning Assessment and Recognition is a process of evaluating the college level learning, knowledge and skills of adults acquired through life experience such as self-directed study, paid employment, voluntary work, professional development, travel and other learning experiences.
Procedural Error	Failure by a designated decision-maker to follow a College academic policy, procedure, or established practice.
Procedural Fairness	Often referred to as natural justice, procedural fairness is a principle that ensures the fairness and correctness of the decision-making process. It is not concerned with the outcome itself, but rather with the procedures used to reach that outcome.
Professor	All teaching members with full time, other than full time or contract status.
Reprisals or Retaliation	Adverse action taken against an individual for invoking this policy or for participating or cooperating in an investigation under this policy or for associating with someone who has invoked this policy or participated in the policy's procedures.
Support Person	A support person may accompany a learner to a meeting at the learner's request to provide them emotional support, reassurance or accommodation assistance. They are not permitted to speak on behalf of the learner, nor to participate directly in the meeting. In extenuating circumstances, usually medical, exceptions may be made at the discretion of the Academic Administrator.

## **POLICY**

### **General Principles**

1. Algonquin College is accountable for setting and maintaining standards of academic performance. The professors and academic administrative staff have the right and responsibility to exercise professional and academic judgement in making decisions about the academic performance and progress of learners.

2. The College is committed to ensuring that learners are treated in a fair and consistent manner regarding all matters that relate to their academic standing and progression. In keeping with this commitment, all learners shall be provided with a timely process to appeal academic decisions when they believe the academic decision has not been fair or reasonable.
3. In keeping with the College's core values of Caring, Learning, Integrity and Respect, all parties involved in an academic appeal will be treated fairly and with respect. This extends to the confidential treatment of all matters related to their appeals and submission of documentation.
4. Learners are entitled to know their rights under the academic appeal policy. It is expected that College staff will inform learners of their right to academic appeal and enable learners to access the academic appeal process. Learners, who believe they have grounds for appealing an academic decision should seek the advice of the Office of the Ombudsman for support and direction at the earliest possible time in the process.
5. Learners with no outstanding debts or obligations to the College have the right to formally appeal an academic decision concerning their academic performance and progression through a program of study.
6. The College prohibits reprisals/retaliation, or threats of reprisal/retaliation, against learners and employees who have raised matters of concern under this policy. Individuals who violate this provision shall be subject to disciplinary action.

### **Academic Appeal Process Overview**

1. The College maintains a two-stage process for academic appeals: informal and formal. It is expected that learners, professors and academic administrative staff will work to resolve academic issues at the program level in a timely fashion, beginning with the individual who made the academic decision. Refer to Procedures for informal and formal appeal steps.
2. Learners must exhaust the informal appeal process before they can initiate a formal academic appeal unless exceptional circumstances warrant otherwise, and this is approved by the designated academic administrator.
3. It is the learner's responsibility to demonstrate through clear and compelling evidence that appropriate grounds for an academic appeal exist.
4. Each learner's formal appeal case will normally be heard and treated individually. The College may hear a group appeal dealing with the same circumstance as a special case for expediency or efficiency purposes, so long as consent is obtained from all parties prior to the date of the hearing.

5. In the event of a formal academic appeal from a group of learners, up to two (2) learners, with the written permission of the other members of the group, shall represent the interests of the group at the academic appeal hearing. The decision rendered by the Academic Appeal Committee shall be considered binding on all members of the group.
6. A learner(s) and the College employee representative(s) may be assisted by a support person at informal appeal meetings and assisted by an advisor, support person and witness(s) at formal appeal hearings. Refer to Appendix 2: Roles and Responsibilities of Advisors, Support Persons, and Witnesses in Academic Appeal Hearings.
7. If learners do not initiate an appeal within the deadlines set by this policy or does not attend the appeal hearing absent of exceptional circumstances, the College will consider the matter as being closed.
8. A learner may withdraw their request for a formal academic appeal prior to the scheduled hearing date.
9. Under certain circumstances, it may be necessary for the College to make minor amendments to the policy's procedures provided they do not cause prejudice to the learner and continue to result in a fair appeal process.
10. While the College will make every effort to adhere to policy timelines, it is recognized that in exceptional circumstances, timelines may need to be extended as long as they do not result in prejudice to the learner.
11. All employees are to cooperate with reasonable requests to provide evidence and to appear at the appeal hearing as witnesses or respondents unless there are extenuating circumstances preventing their participation.

### **Onus and Standard of Proof**

1. The learner is responsible to show that an academic decision was incorrect.
2. For academic misconduct decisions, the College is responsible to show that academic misconduct occurred and that the misconduct warrants sanction.
3. For academic misconduct sanctions, the learner is responsible to show that the sanction imposed is too harsh in the circumstances of the case.
4. The standard of proof in all decisions shall be *a balance of probabilities*. This means that the Academic Appeal Committee must be shown that it is more likely than not that the original decision was incorrect.

### **Program Progression Eligibility and Restrictions**

1. Learners awaiting academic appeal decisions may register in the next level of their program subject to the exceptions below. Enrolment restrictions, pre-requisites and/or co-requisites, will be waived until the appeal has been decided.
2. The academic administrator may impose compulsory program conditions for the learner while awaiting the outcome of the appeal.
3. If a learner enrolls in the next term, it is the learner's responsibility to be aware of financial and program status implications (e.g., OSAP, international study permit restrictions) if the appeal is denied.

Learners are restricted from registering in the next level pending an appeal outcome under the following conditions:

1. Co-op Learners: Permission is required from the Co-op & Career Centre and the academic administrator to proceed in a work term.
2. Field Placement/Practicum Learners: Special permission from the academic administrator is required to proceed.
3. Any program where physical skills, competencies and safety pre-requisites must be completed in order to progress.
4. Where an issue of liability, safety and/or behaviour interferes with the teaching/learning process.

### **Reasons for Academic Appeal Dismissal**

An academic appeal may be dismissed by the Academic Appeal Committee Chair or designated academic administrator for the following reasons:

1. If the same or substantially same issue of the learner has been considered through another formal College grievance procedure. This excludes an academic appeal review where the appeal review requirements are met.
2. If the appeal is not initiated within the timelines set by this policy unless approved by the academic administrator.
3. If the learner has omitted to follow the informal appeal process prior to filing a formal appeal application unless approved by the academic administrator.
4. There remains insufficient information to proceed to an appeal following notification to the learner of missing information such as appeal ground(s), documents referenced but not included, or the reason(s) for the appeal and, following the allowed timeline to provide sufficient information. The academic

administrator may propose or initiate alternate methods of resolution with the learner's agreement.

5. The learner has initiated civil or other litigation against Algonquin College on the decision in question.

### **Academic Appeal Committee Purpose**

The Academic Appeal Committee provides a learner with a final, neutral forum to present an appeal at a hearing. The Committee will review the academic decision being challenged by the learner, the grounds the learner is using for the appeal and hear all relevant evidence submitted to the case.

### **Academic Appeal Committee Decision**

The decision of the Academic Appeal Committee is final and binding on all persons involved in the academic appeal. Learners who believe they have not received a fair hearing may request an Academic Appeal Review and where the following reasons are met:

1. Re-hear the case only if a substantial procedural error has been committed by the Academic Appeal Committee which has denied the learner a fair hearing.
2. Consider new evidence that, through no fault of the learner, was not available at the time of the appeal.
3. Re-evaluate the sanction decision imposed by the Academic Appeal Committee to determine if it is excessively harsh for the circumstances or offence.

Refer to Appendix 3: Academic Appeal Committee Terms of Reference.

Refer to Appendix 4: Academic Appeal and Review Hearing Order of Proceedings.

### **Academic Appeal Review Committee Purpose**

The College Academic Appeal Review Committee's purpose is to review the decision of the Academic Appeal Committee based on the reasons noted above.

### **Academic Appeal Review Committee Decision**

The decision of the Academic Appeal Review Committee is final and binding on all persons involved in the academic appeal review.

Refer to Appendix 5 for Academic Appeal Review Committee Terms of Reference.

Refer to Appendix 4 for Academic Appeal and Review Hearing Order of Proceedings.



## PROCEDURE

	Action	Responsibility
<b>1.</b>	<b>Informal Appeal</b>	
1.1	Within five (5) business days of receiving a written notice of an academic decision which the learner believes is unfair or unreasonable, meet with the professor or academic administrator who rendered the decision to review the decision.	Learner
1.2	Notify the learner in writing if the academic decision is changed. Change final grade(s) as required in the Algonquin College Student Information System (ACSIS).	Professor or Academic Administrator
1.3	If no solution is reached within these five (5) business days, meet and ask the academic administrator to review the decision if it was made by a professor or with the Dean if the decision was made by an academic administrator within five (5) business days.  Exceptional circumstances may warrant bypassing the informal appeal stage and requires the designated academic administrator's approval.	Learner
1.4	Notify the learner in writing if the academic decision is changed or stands. Change final grade(s) as required in the Algonquin College Student Information System (ACSIS) .	Academic Administrator or Dean
1.5	If no informal resolution is reached in Step 1.4 above, initiate a formal appeal of the academic decision within the next five (5) business days.	Learner
<b>2.</b>	<b>Formal Appeal</b>	
2.1	Within five (5) business days of written notification of the informal review outcome, submit a request for a formal academic appeal application (refer to Related Materials: Formal Academic Appeal Application).	Learner

2.2	<p>Upon receipt of the academic appeal application, notify the Appeal Committee Chair of the request within two (2) business days.</p> <p>Within four (4) business days of receipt of application, review appeal application for meeting the specified criteria. Notify learner, Dean's Office in writing of application review decision. If appeal is denied, include reasons for denial.</p>	<p>Dean's Office</p> <p>Appeal Committee Chair</p>
<b>3.</b>	<b>Appeal Hearing Preparation</b>	
3.1	Call a meeting of the Academic Appeal Committee within ten (10) business days of notifying the learner of the appeal approval. An extension can be granted at the request of the learner or the Department, as long as it is reasonable and agreeable to all concerned.	Appeal Committee Chair
3.2	Give the names of the Appeal Committee members to the learner and College representative(s) involved in the appeal at least five (5) business days before the appeal is to be heard. Either the learner or the College representative can object to a member of the Appeal Committee.	Appeal Committee Chair
3.3	To object to a member of the Appeal Committee, submit the objections to the Chair at least four (4) business days before the appeal is heard.	Learner and College Representative
3.4	If the objection is reasonable, appoint alternate member(s) to maintain its composition (refer to Appendix 3: Academic Appeal Committee Terms of Reference). The hearing may be delayed by as much as five (5) business days in order to find replacement member(s).	Appeal Committee Chair
3.5	<p>At least five (5) business days before the hearing, provide to the Appeal Committee Chair the information listed below:</p> <ol style="list-style-type: none"> <li>1. One copy of the documents the learner and the College representative plan to introduce as evidence at the hearing. Unless the other party or the Appeal Committee agrees, no other documents may be introduced at the time of the hearing.</li> <li>2. A list of intended witnesses or a statement that no witnesses will be called.</li> </ol>	Learner and College Representative

	3. The name and capacity of any support person and/or advisor who will accompany the learner or the College representative (refer to Appendix 2: Roles and Responsibilities of Advisors, Support Persons and Witness in Academic Appeal Hearings)	
3.6	Review all documents submitted to ensure that they are relevant to the appeal. Documents identified as not relevant will be returned to the learner or College representative at least two (2) business days before the hearing stating the reasons they will not be used during the appeal.	Appeal Committee Chair
3.7	At least two (2) business days prior to the appeal hearing, distribute copies of all relevant documents listed in Step 3.6 and any other material necessary for the fair determination of the appeal to Appeal Committee members, learner and College representative.	Appeal Committee Chair/Administrative Support
<b>4.</b>	<b>Appeal Hearing and Decision Communications</b>	
4.1	Conduct the hearing as outlined in Appendix 4: Academic Appeal and Review Hearing Order of Proceedings.	Appeal Committee Chair
4.2	Within five (5) business days of the completion of the appeal, send, on behalf of the Appeal Committee, the written decision and the reasons for that decision to the learner, the College staff representative and the Dean's Office.	Appeal Committee Chair
4.3	Within five (5) business days of issuing the written decision, prepare a written record of the Appeal Committee meeting and submit it to the academic department for retention.	Appeal Committee Chair/Administrative Support
4.4	Retain all records for a period of at least seven (7) years or longer if the learner returns to the College before the seven years have expired.	Academic Department
4.5	The decision of the Appeal Committee is final. A learner who believes that they have not received a fair	Learner

	hearing may request an academic appeal review as described in Section 4 below.	
<b>5.</b>	<b>Appeal Review</b>	
5.1	<p>Within five (5) business days of receiving the decision of the Academic Appeal Committee, request an academic appeal review application (refer to Related Materials: Academic Appeal Review Application) if at least one of the following reasons is met:</p> <ol style="list-style-type: none"> <li>1. Re-hear the case only if a substantial procedural error has been committed by the Academic Appeal Committee which has denied the learner a fair hearing.</li> <li>2. Consider new evidence that, through no fault of the learner, was not available at the time of the appeal.</li> <li>3. Re-evaluate the sanction decision imposed by the Academic Appeal Committee to determine if it is excessively harsh for the circumstances or offence.</li> </ol>	Learner
5.2	<p>Within four (4) business days of receiving the request for an appeal review, call together an Appeal Review Panel (refer to Appendix 5: Academic Appeal Review Committee Terms of Reference) to determine if there are sufficient reasons for an appeal review. Provide opportunity for the learner to provide missing information identified in the application. Notify learner, Dean's Office in writing of application review decision. If the request for an appeal review is denied, inform the learner in writing of the reason(s).</p>	Senior Vice President, Academic
5.3	<p>If granted, refer the appeal review to the Chair of the Academic Appeal Review Committee, with the learner's application and a copy of the record of the academic appeal.</p>	Senior Vice President, Academic
<b>6.</b>	<b>Appeal Review Hearing Preparation</b>	

6.1	Call a meeting of the Academic Appeal Review Committee within ten (10) business days of notifying the learner of the appeal review hearing. An extension can be granted at the request of the learner or the College department, as long as it is reasonable and agreeable to all concerned.	Appeal Review Committee Chair
6.2	Give the names of the Appeal Review Committee members to the learner and the College representative involved in the appeal review at least five (5) business days before the appeal review is to be heard. Either the learner or the College representative can object to a member of the Appeal Review Committee.	Appeal Review Committee Chair
6.3	To object to a member of the Appeal Review Committee, submit the objections to the Appeal Review Committee Chair at least five (5) business days before the appeal review is to be heard.	Learner and College Representative
6.4	If the objection is reasonable, the Senior Vice President, Academic will appoint alternate member(s) to the Appeal Review Committee so as to maintain its composition (refer to Appendix 5: Academic Appeal Review Committee Terms of Reference). The hearing may be delayed by as much as five (5) days to find a replacement member(s).	Senior Vice President, Academic
6.5	At least five (5) business days before the appeal review hearing, provide any additional information not presented at the academic appeal, such as written statements or other pertinent material, if such statements or materials are to be presented at the appeal review meeting. No other documents may be introduced at the time of the hearing.	Learner and College Representative
6.6	Review all documents submitted to ensure that they are relevant to the appeal review. Documents identified as not relevant will be returned to the learner or College representative at least two (2) business days before the hearing stating the reasons they will not be used during the appeal review.	Appeal Review Committee Chair
6.7	At least two (2) business days prior to the appeal review hearing, distribute copies of all relevant documents and any other material necessary for the fair hearing of the appeal review to Appeal Review Committee members, learner and College representative.	Appeal Review Committee Chair
7.	<b>Appeal Review Hearing and Decision Communications</b>	

7.1	Conduct the hearing as outlined in Appendix 4: Academic Appeal and Appeal Review Hearing Order of Proceedings.	Appeal Review Committee Chair
7.2	Within five (5) business days of the completion of the appeal review send, on behalf of the Appeal Review Committee, the written decision and the reasons for the decision to the learner, College representative, the Senior Vice President, Academic, and the Dean's Office.	Appeal Review Committee Chair
7.3	Within five (5) business days of issuing the written decision, prepare a written record of the Appeal Review Committee meeting and submit it to the Senior Vice President, Academic for retention.	Appeal Review Committee Chair/Administrative Support
7.4	Retain all records for a period of at least seven (7) years or longer if the appellant returns to the College before the seven years have expired.	Office of the Senior Vice President, Academic

### **SUPPORTING DOCUMENTATION**

Appendix 1: Grounds for Academic Appeal

Appendix 2: Roles and Responsibilities of Advisors, Support Persons, and Witnesses in Academic Appeal Hearings

Appendix 3: Academic Appeal Committee Terms of Reference

Appendix 4: Academic Appeal and Appeal Review Hearing Order of Proceedings

Appendix 5: Academic Appeal Review Committee Terms of Reference

### **RELATED POLICIES**

AA06: Prior Learning Assessment and Recognition (PLAR)

AA13 Assessment and Evaluation of Learning

AA14 Grading System

AA21 Deferred Evaluation

AA22 Student Participation in Athletics, on the Students' Association Board of Directors or in Military Service

AA37 Review of Grade

AA39: Program Progression and Graduation Requirements

AA44 International Travel and Safety – Students

AA48 Academic Integrity

AC01 Academic Accommodation for Accessible Learning

SA02: Ombudsman

SA03: Student Complaints

SA07: Student Conduct

SA16: Sexual Assault / Sexual Violence

### **RELATED MATERIALS**

[AA19 Academic Appeal Application](#)

## Appendix 1: Grounds for Academic Appeal

### Grounds for Academic Appeal

Grounds are categories for reasons that can be used to challenge an academic decision which the learner believes was not fair or reasonable. The college will consider only the following grounds for an appeal. These grounds must be supported by reasons and supporting documentation/evidence. Learners must submit relevant documents to support their argument when they apply for an appeal. Appeals filed without grounds or appropriate documentation may be dismissed if, after notice, the missing information is not provided within the deadline.

Learners, who believe they have grounds for appealing an academic decision, should seek the confidential advice of the office of the ombudsman at the earliest possible time in the process for support and direction.

Grounds of appeals	Meaning of ground	Required documents to support grounds of appeal
Compassion	<p>Unforeseen, significant event(s) or circumstance(s), that may have affected the learner's academic progress or performance. Generally, the following situations, but not limited to, will not constitute compassionate grounds for an academic appeal:</p> <ul style="list-style-type: none"> <li>• Employment commitments</li> <li>• Changes to the learner's financial status, study and/or work permit requirements</li> </ul>	<p>Describe, if not evident, the event or circumstance. Examples of evidence:</p> <ul style="list-style-type: none"> <li>• A death certificate, or funeral arrangement documentation</li> <li>• Travel arrangement documentation</li> <li>• Legal documentation, such as summons or subpoena, a notice of jury selection, eviction notice, etc.</li> <li>• Letters from counsellors, therapists, religious, creed based, and/or indigenous spiritual leaders</li> <li>• Refer to policy aa21 deferred evaluation for additional guidance</li> </ul>
Course management	<p>A significant departure from the course outline, weekly schedule, or other course management practice(s) that negatively affects the learner's academic progress or performance.</p>	<p>Describe where the departure occurred and explain how this has affected the learner's academic progress or performance. Examples of evidence:</p>

	<p>Examples include but not limited to:</p> <ul style="list-style-type: none"> <li>• Change to course delivery mode, evaluation, learning outcomes not followed</li> </ul>	<ul style="list-style-type: none"> <li>• Course outline and/or course management policy documents</li> <li>• Course schedule, weekly schedule, rubric, email correspondence</li> </ul>
Illness, disability and/or medical conditions	<p>Illnesses, disabilities, or medical conditions that have adversely affected a learner's academic progress or ability to meet academic obligations. Disabilities include mental or physical health as defined by the Ontario human rights code. Disability itself is not reason for an appeal in most cases.</p>	<p>Explain how the illness, disability or medical condition adversely affected the ability of the learner to meet specific academic obligations.</p> <p>Examples of evidence:</p> <ul style="list-style-type: none"> <li>• Medical certificate or equivalent documentation completed by a registered health professional. Sensitive documentation is viewed in confidence. The centre for accessible learning (cal) may be consulted by the learner and appeal committee chair.</li> </ul>
Personal bias/unfair treatment	<p>Perceived unfair treatment of the learner in comparison to other learners within the same program or course, impeding the learner's academic progress or performance.</p>	<p>Provide a record of events and explain how the unfair or unreasonable treatment/decision has affected the learner's academic progress or performance.</p> <p>Examples of evidence:</p> <ul style="list-style-type: none"> <li>• Course schedule, course outline, submitted assignment, assignment instructions, emails</li> <li>• Previous sanction examples for similar violations that indicate inconsistency</li> <li>• Previous academic decisions for similar academic performance that indicate inconsistency</li> </ul>



Procedural error	An academic decision the learner believes is invalid due to failure to follow a college academic policy, procedure, or established practice in the current term.	<ul style="list-style-type: none"><li>• Reference the policy, procedure, or established practice and the alleged procedural error. Explain how this affected academic progress or performance. Describe where the policy, procedure, or established practice misapplication occurred and how the deviation affected academic progress or performance.</li></ul>
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## Appendix 2: Roles and Responsibilities of Advisors, Support Persons, and Witnesses in Academic Appeal Hearings

### ROLES AND RESPONSIBILITIES OF ADVISORS, SUPPORT PERSONS, AND WITNESSES IN ACADEMIC APPEAL HEARINGS

#### Purpose:

This document serves as a resource for learners, College staff and the identified support person, advisor, and witness(s) to be well-informed of the respective roles, responsibilities, and expectations during the academic appeal process.

#### Role Capacity:

Learners may be assisted by one support person at informal appeal meetings and formal appeal hearings, and assisted by one advisor, and/or one support person, and/or one or more witnesses at formal appeal hearings.

College representatives may be assisted by one or more witnesses witness at formal appeal hearings.

#### Role Definitions:

**Academic Appeal Advisor:** An individual who provides guidance and support to a learner during the formal appeal process. This person can offer advice on how to prepare and present the appeal, help understand the procedural steps, and may accompany the learner to formal appeal hearings and address the appeal committee. The advisor may be a faculty member, staff member, or another individual chosen by the learner/College representative.

**Appeal Witness:** An individual who provides testimony or evidence relevant to the appeal case being reviewed. This person may present firsthand accounts, insights, or expertise that can help clarify facts and support the arguments being made during the academic appeal.

**Support Person:** A support person may accompany a learner to a meeting at the learner's request to provide them emotional support, reassurance, or accommodation assistance. They are not permitted to speak on behalf of the learner, nor to participate directly in the meeting. In extenuating circumstances, usually medical, exceptions may be made at the discretion of the Academic Administrator.

#### Role Expectations:

1. Learners and College representatives are expected to represent themselves in academic appeal hearings including to provide their evidence, to respond to questions, and to ask questions of the other party. However, requests from a

learner or College representative for an advisor to speak on their behalf and reasons for, can be made in writing to the Academic Appeal Committee Chair no later than five (5) business days before the appeal hearing.

2. The AA19 Academic Appeal policy is an internal College process not a legal proceeding. Cases however may warrant a need for legal representation for the learner and College representative. Any legal counsel fees incurred by the learner are the sole responsibility of the learner.
3. Maximum number of witnesses allowed is at the discretion of the Academic Appeal Committee Chair.
4. A witness(s) will only attend an appeal hearing for their duration to provide testimony or relevant evidence and to respond to questions.
5. Advisors, support persons or witnesses not identified to the Academic Appeal Committee Chair in advance of the appeal hearing cannot attend the appeal hearing unless it is agreed to by the Appeal Committee and the other party.

## Appendix 3: Academic Appeal Committee Terms of Reference

### APPENDIX 3: ACADEMIC APPEAL COMMITTEE TERMS OF REFERENCE

#### Purpose:

The Academic Appeal Committee provides the learner with a final, neutral forum to present an appeal at a hearing. The Committee will review the academic decision being challenged by the learner, the grounds the learner is using for the appeal and hear all evidence relevant to the case.

#### Objectives:

- To provide a formal process for reviewing academic appeals.
- To ensure academic appeals are handled fairly, transparently, and in accordance with the College's policies.
- To ensure decisions are made impartially and based on evidence.

#### Scope of Work:

- Review all submitted appeals within the specified timeframe.
- Conduct hearings and meetings as necessary to gather additional information.
- Make final decisions on appeals and communicate outcomes to relevant parties.
- Consider the application of various policies at the College, School, Department and Program levels and other factors that have an impact on the decision being appealed.
- Is authorized to uphold, modify or reverse the academic decision being appealed. Exception: Academic misconduct sanctions cannot be increased.

#### Membership:

Each school and satellite campus will establish an Academic Appeal Committee and confirm its membership on an annual basis to the Senior Vice President, Academic.

The membership for each school or satellite campus Appeal Committee will consist of:

- The Dean or a designated administrator who will serve as Chair of the Appeal Committee

- Two professors
- Two learners; one learner representative will be from the Students' Association and the second will be from the School, but not in the same class.

In exceptional circumstances, the membership of the appeal committee can be altered at the discretion of the College (preferably the designated Chair who has no prior involvement with the case) provided it does not cause prejudice to the appellant(s) and continues to result in a fair appeal process.

### **Length of Term:**

- **Administrators and Professors:** Two years, subject to renewal. One alternate for professors and one for administrators will be designated for a two-year period.
- **Learners:** One year, subject to renewal. An alternate is to be named for a one year period.

### **Conflict of Interest:**

No member of an Academic Appeal Committee is to have any prior involvement with the case. Any involvement will constitute a conflict of interest and must be declared to the Chair of the Appeal Committee as soon as possible but no less than five (5) business days prior to a hearing. If in the opinion of the Appeal Committee Chair, a conflict of interest is present, the member will be replaced.

### **Roles and Responsibilities:**

- **Appeal Committee Chair:** Leads the committee, ensures meetings are conducted efficiently, oversees the decision-making process and is responsible for providing administrative support.
- **Committee Members:** Review appeal documents, participate in discussions, and contribute to the final decision.
- **Administrative Support:** Manages documentation, schedules meetings, and communicates decisions.

### **Methodology:**

- Appeals are submitted in writing to the committee.
- Hearings can be conducted in-person or virtually.

- The committee reviews all relevant documents and may request additional information prior to holding hearings.
- Decisions are made based on a majority vote including the Appeal Chair and documented in writing.
- With the approval of the Appeal Committee Chair, a College staff member may attend appeal hearings as an observer for professional development purposes. The individual is considered a non-member of the appeal committee and has no speaking or voting privileges.

## Appendix 4: Academic Appeal and Appeal Review Hearing Order of Proceedings

### ACADEMIC APPEAL AND APPEAL REVIEW HEARINGS ORDER OF PROCEEDINGS

1. Introduction of attendees and opening remarks of the Chair of the Appeal or Appeal Review Committee to explain the procedure. The Chair is to stress that all information presented at the appeal is to be kept confidential.
2. The Chair will ask the learner(s) and the College representatives(s) to present their evidence and any statements in the following order:
  1. The learner will present their case.
  2. Questioning of the learner by the Appeal Committee members. Any question the College representative may have of the learner is to be directed to the Chair.
  3. The College representative will present their case.
  4. Questioning of the College representative by the Appeal Committee members. Any question the learner may have of the College representative is to be directed to the Chair.
  5. Statements to be presented by the learner's witness(es), if any.
  6. Questioning of the learner's witness(es) by the Appeal Committee members. Any question the College representative may have of the witness(es) is to be directed to the Chair.
  7. Statements to be presented by the College representative's witness(es), if any. A witness will only attend the appeal hearing for their duration to provide testimony or relevant evidence and to respond to questions.
  8. Questioning of the College representative's witness(es) by the Appeal Committee members. Any question the learner may have of the witness(es) is to be directed to the Chair.
  9. At the discretion of the Chair, the learner and/or the College representative may provide a rebuttal.
  10. The learner makes a closing statement.
  11. The College representative makes a closing statement.

3. The order can be amended with the agreement of the parties or by the Chair if they determine that such amendment(s) will not prejudice the learner or the College representative and will ensure a fair hearing.
4. The learner and the College representative each have one hour to present their evidence. If there is more than one learner or College representative presenting evidence, they have to share the hour. With the agreement of the Committee, the Chair can extend the one hour presentation limit for complex situations.
5. The Chair will then conclude the meeting and advise the learner and all other persons present how and when a decision will be communicated to them.



## **Appendix 5: Academic Appeal Review Committee Terms of Reference**

### **ACADEMIC APPEAL REVIEW COMMITTEE TERMS OF REFERENCE**

#### **Purpose:**

The Academic Appeal Review Committee reviews the decisions made during the academic appeal hearing at the request of the learner and where the following specific reasons are met:

- Rehear the case if a substantial procedural error has been committed by the Appeal Committee which has denied the learner a fair hearing.
- Consider new evidence that, through no fault of the learner, was not available at the time of the appeal.
- Re-evaluate the sanction decision imposed by the Appeal Committee to determine if it is excessively harsh for the circumstances or offence.

#### **Objectives:**

- To provide a formal process for reviewing academic appeal hearing decisions.
- To ensure academic appeal reviews are handled fairly, transparently, and in accordance with the College's policies.

#### **Scope of Work**

- Review submitted learner appeal review documents and record of the appeal committee within the specified timeframe.
- Conduct hearings and meetings as necessary to gather additional information.
- Make final decisions on appeal reviews and communicate outcomes to relevant parties.
- Consider the application of various policies at the College, School, Department and Program levels and other factors that have an impact on the appeal hearing decision being appealed.
- Is not authorized to rehear a learner's case based on the evidence and facts originally presented to the Appeal Committee with the exception of substantial procedural error committed by the Appeal Committee.

- Is authorized to uphold, modify or reverse the academic decision being appealed. Exception: Academic misconduct sanctions cannot be increased.

### **Membership:**

The Academic Appeal Review Committee is to be established annually by the Senior Vice-President, Academic. The Academic Review Committee shall consist of:

- One 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 Academic Appeal Committee
- One learner appointed by the Students' Association.

In exceptional circumstances, the membership of the appeal review committee can be altered at the discretion of the College (preferably the designated Appeal Review Committee Chair) provided it does not cause prejudice to the learner and continues to result in a fair appeal review process.

### **Length of Term:**

**Administrators and Professors:** Two years, subject to renewal. One alternate for professors and one for the academic administrator will be designated for a two-year period.

**Learner representative:** One year, subject to renewal. One alternate will be designated for a one-year period.

### **Conflict of Interest:**

No member of the Academic Appeal Review Committee is to have any prior involvement with the case. Any involvement will constitute a conflict of interest and must be declared to the Academic Appeal Review Committee Chair as soon as possible but no less than five (5) business days prior to a hearing. If in the opinion of the Appeal Review Committee Chair, a conflict of interest is present, the member will be replaced.

### **Roles and Responsibilities:**

- **Appeal Review Committee Chair:** Leads the committee, ensures meetings are conducted efficiently and in a professional manner, oversees the decision-making process and is responsible for providing administrative support.

- **Committee Members:** Review appeal review documents, participate in discussions, and contribute to the final decision.
- **Administrative Support:** Manages documentation, schedules meetings, and communicates decisions.

**Methodology:**

- Appeal reviews are submitted in writing to the committee.
- Hearings can be conducted in-person or virtually.
- The committee reviews all relevant documents and may request additional information prior to holding hearings.
- Decisions are made based on a majority vote excluding the Appeal Review Committee Chair and documented in writing.
- With the approval of the Appeal Review Committee Chair, a College staff member may attend appeal review hearings as an observer for professional development purposes. The individual is considered a non-member of the appeal review committee and has no speaking or voting privileges.