

 ASSINIBOINE COMMUNITY COLLEGE	# Pages	Number
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	Originator Vice-President, Academic	
Policies and Procedures Title Academic and Disciplinary Appeals	Effective Date July 1, 2015	Replaces A1—update only

Purpose:

The academic and disciplinary appeals policy exists to quickly and fairly respond to issues arising from academic and disciplinary decisions and rulings.

Policy and Procedure:

What can be appealed?

A student has the right to appeal academic and disciplinary decisions and rulings that he/she believes are unfair, unreasonable or arbitrary. This includes disciplinary decisions and consequences, grades, academic suspension, and other decisions that impact on a student's continuation in his/her program of studies.

Please note different procedures for appealing:

1. Mandatory eight-month suspension based on weighted grade point average (WGPA).
2. All other academic and disciplinary appeals.

Ending the Appeal at Any Stage

The appeal may be resolved at any stage of the appeal process with the mutual agreement of all parties.

Student Advising and Advocacy During Appeals

Students are encouraged to seek the services of a college student advisor or the Executive Director of the Students' Association before initiating an appeal. Advisors can provide information and consultation on the college's appeal policies and procedures, and can assist students in arriving at informed decisions regarding their appeal by exploring with them the full dimensions of the problem. Students are strongly encouraged to utilize the services of a Student Advocate. Students may obtain information on the Student Advocate Service from the Executive Director of the Students' Association. Advocates may assist students in preparing their appeal submissions, and if a student wishes, may assist or represent a student during the pre-appeal and the formal appeal processes.

1. APPEALING MANDATORY EIGHT-MONTH ACADEMIC SUSPENSION BASED ON WGPA

A student who is placed on academic suspension may appeal the mandatory eight-month (two-term) suspension, provided one of the following circumstances has been identified:

- a) Program Change: The student would like to enter another program requiring different academic background, experience or skills.
- b) Program Restart: The student wishes to be allowed to register and re-take courses in the first term(s) of the program for purposes of raising his/her cumulative weighted grade point average.
- c) Compassionate Grounds: The student wishes to be reinstated in his or her current program. Reinstatement will be granted only if there were extraordinary circumstances (e.g. death, physical or mental illness, family problems) in the student's life that resulted in poor performance, and there is evidence that the problems have been resolved and the student has a realistic chance of success. The student may be asked to provide documentation (e.g. death certificate, doctor's certificate, etc.)

Pre-Appeal Consultation

The pre-appeal consultation process allows a student to present his/her situation to the Dean/Director of the school, with the goal of resolving the issue informally. It is to be used if the student is appealing on compassionate grounds, if the student wishes to enter another program in the same school, or if the student wishes to restart the program. If the student is applying to enter a program in a different school, then the student should proceed directly to the formal appeal process.

Where the decision being appealed impacts on immediate continuation in a program, notice in writing must be submitted to the Dean/Director no later than **three** college working days after the start of the subsequent course(s).

Where the decision does not impact on immediate continuation, the student will be granted up to 21 calendar days after receiving the initial grade or other decision to notify the Dean/Director in writing.

The Dean/Director will review the student's request, and will investigate, review the student's situation, including consulting with the Student Services Centre, with the goal of arriving at a decision. The Dean/Director has three options at this point:

- Grant the student's appeal.
- Dismiss the student's appeal.
- Arrive at a compromise solution.

If the appeal is resolved at this stage, the Dean/Director will provide a written copy of the Pre-Appeal Consultation form (Attachment C) to the student and a copy be placed in the student's file. If the appeal is not resolved at this stage, the student may proceed with the formal appeal process.

In the event of an appeal, the pre-consultation with the Deans should be followed up with a written summary/report and the timeline the student has to file an appeals starts once that student has received the written documentation.

Formal Appeal

If a suspended student wishes to appeal the academic suspension period, he/she must complete the attached Application to Appeal Academic Suspension Based on WGPA (Attachment B), and submit it together with the required fee as set out in Policy F30, to the Accounts Office. Students are advised to contact a college student advisor or Students' Association advocate prior to submitting this application. The decision to reinstate the student or allow admission to another program will be made by the Vice-President, Academic, based on recommendations from the Dean/Director, or Deans/Directors if the request to change programs also involves a change in schools. The Vice-President, Academic will consider information contained in the Pre-Appeal Consultation form when making the decision.

NOTE: Please refer to policy sections entitled "Academic Status During All Appeals" and "Time Limits Relating to All Appeals".

2. ALL OTHER ACADEMIC AND DISCIPLINARY APPEALS

Before initiating the appeal process, students are strongly encouraged to discuss the situation with the instructor and/or chairperson.

Pre-Appeal Consultation

The pre-appeal consultation process allows students to present their situation to a Dean/Director, with the goal of resolving the issue informally.

Where the grade or other decision being appealed impacts on continuation in a program, the student must meet with the Dean/Director no later than **three** college working days after the start of the subsequent course(s).

Where the decision does not impact on continuation, the student will be granted up to 21 calendar days after receiving the initial grade or other decision to meet with the Dean/Director.

The Dean/Director will review the student's request, and must meet or make verbal contact with both parties in an attempt to resolve the issues without the necessity of a formal appeal. The Dean/Director will investigate, identify issues, and may attempt to mediate between the parties. The Dean/Director has three options at this point:

- Arrive at a mediated resolution.
- Grant the student's appeal.
- Dismiss the student's appeal.

If the appeal is resolved at this stage, the Dean/Director will provide a written copy of the Pre-Appeal Consultation form (Attachment C) to both parties, and a copy will be placed in the student's file. If the appeal is not resolved at this stage, the student has **two** college working days to notify the Appeals Administrator that he/she wishes to proceed to the formal appeal by completing Formal Notice of Appeal (Attachment A).

Formal Appeal

NOTE: If more than one student is involved in an appeal, each student must complete a separate Notice of Appeal and pay the required fee.

The Appeals Administrator will contact the Dean/Director, and in consultation with him/her, collect any documentation required. The Dean/Director will forward a copy of Pre-Appeal Consultation form to the Appeals Administrator.

The Appeals Committee Chair will receive:

- The Notice of Appeal, together with all relevant and supporting material.
- A copy of the Pre-Appeal Consultation form, together with all relevant and supporting material.
- List of witnesses and technical experts
- Names of representatives (if any) for student and staff

When a formal hearing is called, the appeal will be heard at one of the Brandon campuses, with the exception that, at the discretion of the chair and with the consent of both parties, the appeal may be conducted by audio or videoconference, or at a different location.

At the formal appeal level, whether adjudication is based on written submissions or a full oral hearing, the committee may:

- Grant the student the result sought.
- Dismiss the appeal.
- Provide any other remedy consistent with the purpose of this policy.

The decision of the Appeals Committee is final and binding. The committee's decision will form part of the student's file in the Registrar's office.

Academic Status During All Appeals:

In circumstances where a student is appealing a decision that would prohibit him or her from proceeding to subsequent course or term, the student may register for the course(s) and/or the next term and attend classes pending the result of the appeal.

Exceptions:

In cases where there are issues related to student or public safety (e.g. practicum or shop/laboratory experiences or disciplinary situations involving violence or threat of violence), the level of practical or classroom participation will be determined by the Dean/Director or the Vice President, Academic, taking into consideration both safety concerns and the impact of lack of participation on the student's ability to progress in the program should the appeal be successful. Where a student is **not** allowed to proceed to take subsequent courses, it is imperative that the appeal proceeds as rapidly as possible. The appeal committee shall take steps to expedite the appeals process.

In cases where a student has registered in subsequent course(s) or a term pending the outcome of the appeal and where the appeal is not successful for the student, then the student will receive a full refund of tuition, laboratory, materials, student services and Students' Association fees for the new course(s) or term registered in. The student's transcript will not show any record of the student having been enrolled in the new course(s) or term.

Time Limits Relating to All Appeals

- a) Students are urged to submit appeal applications as soon as possible after receiving grades or decisions with which they do not agree.
- b) Where the grade or other decision being appealed impacts on continuation in a program, the Notice of Appeal must be submitted no later than **three** college working days after the start of the subsequent course(s), or **three** college working days after formal notification from the college, whichever is later. If the appeal is not resolved at this stage, the student has **two** college working days to notify the Appeals Administrator that he/she wishes to proceed to the formal appeal.
- c) Where the grade or other decision being appealed does not impact on continuation in a program, the Notice of Appeal must be submitted to the Accounts Office no later than close of business 21 days following notification of the grade or decision. (Generally, date of notification will be interpreted as the date of posting of marks.)
- d) Applications to appeal **disciplinary** decisions must be submitted to the Accounts Office no later than close of business on the **fifth** day after receiving notification of the decision or ruling.

- e) All parties to the appeal shall proceed with all steps involved in the appeal as expeditiously as possible.
- f) The Appeals Committee Chair shall provide both parties with notice as soon as possible in the most expeditious manner prior to the hearing of the time and location of the hearing, and copies of all relevant material to be presented by either party at the hearing.
- g) Both parties must notify the Appeals Committee Chair at least **one** college working day in advance of the hearing as to who their witnesses will be, and the Appeals Committee Chair will be responsible for keeping both parties informed.
- h) The Appeals Administrator will maintain a file containing all materials relating to the appeal for five years.

Composition of the Appeals Committee:

Each Appeals Committee will consist of:

- a) An Appeals Committee Chair, who may be either an instructional or a non-instructional staff member, and who will be chosen from a pool of trained individuals appointed by the Vice-President, Academic at the beginning of the fall term, for a one-year, renewable term. The chair will be a voting member of the committee.
- b) The Appeals Administrator will act as recorder for the Appeals Committee. The recorder will be a non-voting member of the committee who will not take part in the committee deliberations.
- c) An ad hoc committee chosen from a pool of trained staff and students with consideration given to the program affected by the appeal. The committee will include:
 - One student, chosen by the Students' Association
 - One instructor or other staff member, chosen by the Vice-President, Academic. In an academic appeal, one member of the committee must be an instructor.

Technical Experts:

Either party (student or college member), and/or the Appeals Committee Chair, may request the presence of a technical expert at the appeal hearing. The technical expert will be present throughout the entire hearing, but will not have a vote. The role of the technical expert is to provide information and clarification related to technical matters and industry standards.

Any member of the college shall be disqualified from hearing an appeal:

- a) who is an instructor or staff member in the school in which the student is enrolled;
- b) who is a student registered in the school in which the student appealing is registered;
- c) who was responsible for making the decision being appealed;
- d) who voluntarily declares bias or conflict of interest.

Where a member of the committee is challenged by the parties involved on grounds such as conflict of interest, bias or malice, the remaining members of the committee shall consider the merits of the challenge and determine whether or not the member is disqualified from hearing the appeal. Should a challenge result in a loss of a member, the committee shall adjourn while a new member is selected and the hearing is rescheduled with dispatch.

Guidelines for the Appeal Hearing:

- a) The student and the college staff member directly involved in the appeal shall each have the right to have one representative of their choice at the appeal hearing. A Dean/Director/designate, co-ordinator or community learning manager who has been involved in the appeal at the informal level may not serve as representative of either party. The representatives may speak on behalf of the student or staff member.
- b) The student who has filed the academic appeal and the college staff member directly involved, together with their respective representatives, shall have the right to attend the full appeals hearing, excluding any deliberations of the committee.
- c) The student and the college staff member shall have the right to present witnesses and/or written material that supports their cases. Representatives on behalf of the student and the college staff member shall have the right to question witnesses. The committee may request the student, the college staff member or any other party to appear before the committee or provide additional information related to the case before reaching a decision. All witnesses will be excused from the hearing room prior to and after giving their testimony.
- d) Evidence and testimony shall be limited to issues presented to the Appeals Committee in writing using the attached Formal Appeal form with relevant attachments including the course outlines, and the Pre-appeal Consultation form with relevant attachments. This information will be seen by both parties prior to the hearing. Evidence to support or refute claims made by the other party may be introduced, but no new issues may be raised.
- e) Should either party notify the Appeals Committee Chair or his/her office that they are unable to attend the hearing, for reasons acceptable to the Appeals Committee Chair, the hearing will be rescheduled.
- f) Should representatives from either party fail to attend without notifying the Appeals Committee Chair or his/her office, the appeal hearing will proceed in their absence.

- g) The committee's decision will form part of the student's file in the Registrar's office and the Appeals file maintained by the Appeals Administrator.
- h) Hearings will be closed, with attendance limited to student, staff person and their representatives, and any technical experts.
- i) Witnesses shall appear only to give testimony.
- j) Taping of hearing will not be permitted.

The Appeals Hearing Process:

1. The Appeals Committee Chair will convene the meeting and review with the parties the following process, after which the process will proceed as described.
2. At no point in the hearing may either party introduce any new issues.
3. Each party will designate a spokesperson.
4. Each party, beginning with the student filing the appeal, will make an opening statement. This will be a brief statement (maximum of five minutes) that sets out the nature of the issue, summarizes the information that has been presented, and states their opinion as to how the issue should be resolved.
5. Each party, beginning with the student filing the appeal, will then present its full case, including its witnesses. The presentation of witnesses will go through three stages:
 - a) Examination by the party calling the witness.
 - b) Cross-examination by the other party and the Appeals Committee.
 - c) Re-examination by the party calling the witness with respect to issues raised.Each witness will be excused from the hearing prior to and after giving testimony.
6. Each party, beginning with the student filing the appeal, will then present its closing argument. The closing argument is essentially the reason why the Appeals Committee should find in that party's favour in light of the documents received, the presentations made by the witnesses and the relevant college policies.
 - a) The student or his/her representative submits argument first.
 - b) The staff member or his/her representative then submits argument, both in respect of why the Appeals Committee should find in his/her favour, and in rebuttal to the first party's argument.
 - c) The student or his/her representative is entitled to the final argument in reply.
 - d) The appeals committee may seek clarification from the speakers during this process.
7. Both parties are then excused from the hearing, and the Appeals Committee will deliberate in camera and make a decision on the issue or issues put to them.
8. The decision of the Appeals Committee will be communicated in writing using the attached Appeals Committee Decision Form, along with the reasons for arriving at the decision, to the student, with copies to the individual named in the appeal, the Registrar, the Dean/Director of the School and the Vice-President, Academic.
9. The Appeals Administrator will maintain a file containing all materials relating to the appeal for a period of five years.

Guidelines for the Appeals Committee:

1. Once all arguments have been heard, the Appeals Committee must make a decision based on the evidence provided. The committee must not solicit further information from, or ask the opinion of, college administrators, faculty, or third parties outside the hearing, particularly while it is deliberating.
2. The Appeals Committee must make a decision based on their best judgment of the merits of each party's presentation.
3. The Appeals Committee may also make recommendations to the college, directly to the Vice-President, Academic in writing, based on their deliberations. The Vice-President, Academic will share recommendations with appropriate parties.
4. The Appeals Committee will cite reasons for their decision in the Appeals Committee Decision Report.

Forms:

Copies of the appeals application, policy and current appeals fee are available from:

Appeals Administrator
Telephone: 204-725-8700 ext. 6029
Email: registrar@assiniboine.net

Director
Assiniboine Community College Students' Association
Room 413
Telephone: 204-725-8700 ext. 7213

Requests for a formal appeal shall be submitted to the Accounts Office, in a written form, using the attached Notice of Appeal or Application to Appeal Academic Suspension Based on WGPA and including any other relevant material.

Date

President

NOTICE OF APPEAL

(For use in all appeals except Mandatory Academic Suspension based on WGPA)

Please complete all information requested. This document will be forwarded to the Appeals Committee Chairperson in the event of a formal appeal and will form the basis of your appeal. The information you provide must clearly explain why you are appealing and the resolution you are seeking. It is strongly recommended that you seek assistance from a Student Advocate in preparing your appeal letter.

Submit, together with appeals fee as set out in Policy F30 to: Accounts Office, Room 118, Assiniboine Community College

Note: If more than one student is involved in an appeal, each student must complete a separate Notice of Appeal and pay the required fee.

Freedom of Information and Protection of Privacy Notification

The personal information on this form is collected under the authority of the Colleges Act of Manitoba. The purpose of this personal information is to administer the appeals process and other uses consistent with this purpose. The provisions of the Freedom of Information and Protection of Privacy Act protect this information. If you have any questions please contact the FIPPA Coordinator, 725 8700 ext. 6199

It is the responsibility of the student to ensure that each step in the appeal process is documented on this form. It is the responsibility of the student and staff members involved in an appeal to complete their portion of the form within the timelines stated in this Policy. Any concerns of either the student or the staff members should be directed to the Appeals Administrator.

1. Written Statements, requests, decisions and/or comments may be submitted in letter format and referenced as attachments to this form.

Date:	
Name of Student:	
Student #:	
Current Address:	
Telephone Number:	
School:	
Program:	
Course:	
Instructor(s):	

Do you wish decision related to your appeal to be shared with the Student Advocate? ☐ Yes ☐ No

Name of Advocate: _____

FORMAL APPEAL

2. Date grade or decision was received:

3. Statement of specific issue(s) being appealed: (Final Grade, Disciplinary Decision, Academic Decision, Other – please be specific. (Note: You may use this form or attach separate documentation for sections 3, 4, and 5.)

4. Describe in detail the decision or ruling with which you did not agree. Why do you believe the grade or action taken is unfair, unreasonable or arbitrary?

5. State the outcome you are seeking.

I have attached relevant materials such as course outlines.

By signing this form, I authorize the college to release information about me from college records, as appropriate, to members of the Appeals Committee.

Student Signature: _____

Date: _____

FOLLOWING TO BE COMPLETED BY APPEALS ADMINISTRATOR

Date of Notice Formal Appeal:

Name of Student:_____

Name of Appeals Committee Chair:

Date of Appeal:

Outcome of Appeal:

Appeal Fee Refunded ☐ Yes ☐ No

APPLICATION TO APPEAL ACADEMIC SUSPENSION BASED ON WGPA

Please complete all information requested and forward this to the Accounts Office, together with the appeals fee as set out in Policy F30. The information you provide must clearly explain why you are appealing and the resolution you are seeking. It is strongly recommended that you seek assistance from a Student Advocate in preparing your appeal letter.

Freedom of Information and Protection of Privacy Notification

The personal information on this form is collected under the authority of the Colleges Act of Manitoba. The purpose of this personal information is to administer the appeals process and other uses consistent with this purpose. The provisions of the Freedom of Information and Protection of Privacy Act protect this information. If you have any questions please contact the FIPPA Coordinator, 725 8700 ext. 6199

Date:	
Name of Student:	
Student #:	
Current Address:	
Telephone Number:	
Program and School Suspended from:	
Program and School applying to (if different from above):	

Do you wish decision related to your appeal to be shared with the Student Advocate? ☐ Yes ☐ No

Name of Advocate: _____

GROUND FOR APPEAL OF ACADEMIC SUSPENSION

NOTE: Complete EITHER Part 1 Entering different program requiring different academic background, skills and /or experience, OR, Part 2, Restarting Program, OR, Part 3 Compassionate Grounds, e.g. extraordinary circumstances such as death in the family, physical or mental illness, serious family problems.

1. Entering different program requiring different academic background, skills and /or experience.

Suspensions may be waived if the Vice-President, Academic, in consultation with the Dean/Director/designate and Student Advisor, feels that there is evidence that a student's background and skills could result in success in a different program of studies. Attendance, work habits, strengths and weaknesses exhibited in previous program, and effort made to seek assistance while in previous program will be taken into consideration.

Answer the following clearly and concisely.

A. Explain clearly the reasons for your poor performance in the previous term(s), and the rationale for believing that your performance will improve in your current program choice.

B. What are your areas of strength and weakness? How do these relate to your current program choice?

C. What efforts did you make to seek assistance in your previous program of studies?

2. Program Restart

Suspensions may be waived if the Vice-President, Academic, in consultation with the Dean/Director/designate and Student Advisor, feels that there is evidence that a student is likely to be successful if allowed to retake courses in the first term(s) of the program for purposes of raising their cumulative weighted grade point average.

Answer the following clearly and concisely.

A. Explain clearly the reasons for your poor performance in the previous term(s), and the rationale for believing that your performance will improve if you are allowed to restart the program and retake courses in the first term(s) of the program.

B. What efforts did you make to seek assistance in previous term(s)?

3. Compassionate Grounds, e.g. extraordinary circumstances such as death in the family, physical or mental illness, serious family problems.

Suspension may be waived if the Vice-President, Academic, in consultation with the Dean/Director/designate and Student Advisor, feels that there is evidence the performance was temporarily affected by the events described, and there is sufficient evidence to believe that the factors affecting performance are not longer present. Consideration will be given as to whether it is in the student's best interest to proceed, given the effect of current marks on the student's grade point average, progression to other courses (prerequisites), etc.

Answer the following clearly and concisely.

A. Describe the situations or events that you believe led to your poor performance in the past terms(s).

B. Describe how these have been resolved, and how you plan to improve your performance in the coming term.

I confirm that the facts presented are accurate to the best of my knowledge. I understand that the decision of the Vice-President, Academic, in consultation with the Dean/Director/designate and Student Advisor, is final and binding.

Student Signature: _____

Date: _____

PRE-APPEAL CONSULTATION

Date: _____

Student: _____

Program: _____

School: _____

Recommendation:

1. Grant the student's appeal. (Provide details.)

2. Dismiss the student's appeal. (Provide details.)

3. Arrive at a compromise solution. (Provide details.)

Dean/Director Signature: _____ **Date:** _____

c. Admissions/Registration Student File
Student

APPEALS COMMITTEE DECISION

Name of student applicant:

Matter being appealed:

Program:

Course:

Date of Hearing:

Appeals Committee Members: _____, Appeals Committee Chair

_____, Staff Representative

_____, Student Representative

_____, Recorder

Decision of Appeals Committee:

Reasons for Decision:

Chair, Appeals Committee

Date