



STUDENT APPEALS POLICY

Policy name: Student Appeals	Overseen by: Vice President Academic	Effective date: July 2001	Replaces: A17.02.01
Category: Education	Approved by: Education Council	Review date: September 2010	

PURPOSE

This document outlines the principles and processes which govern student appeals of College educational policies and procedures.

NOTE: Grade Appeals are now covered by the Appeal of Final Grades Policy (see link on Educational Policies webpage <http://www.douglascollege.ca/about-douglas/governance/policies/educational>)

POLICY STATEMENT

Douglas College students have the right to appeal educational decisions and practices where a decision by an employee of the College significantly affects the education of the student or the student feels he or she may have been treated unjustly in the application of College educational policies/procedures. All stages of the appeal process will be carried out in accordance with the principles of natural justice (eg the right to be heard, the right to a hearing from an unbiased tribunal). This policy does not, however, constitute a judicial process.

LIMITATIONS

1. There are two general appeal processes of educational decisions and practices within Douglas College. One process deals with student appeals concerning College educational policies and procedures. The other process deals with student appeals of grades in credit courses. Students are advised to consult with an advocate (see Appendix A) to determine which policy is the most appropriate for their specific issue.
Students must decide on the central issue(s) contained in their appeal/complaint and may pursue only one process related to each issue at a time.
2. Where a student wishes to pursue an educational policy appeal or a grade appeal, but the student has been suspended from Douglas College as a result of disciplinary actions under Douglas College policies on *Violence Prevention, Standards of Conduct, or Sexual Harassment and Personal Discrimination*, that appeal will not be heard until the procedures, under the relevant policy, have been exhausted and the student has been reinstated to Douglas College.

A student wishing to submit an appeal while suspended must do so according to the timelines of the *Student Appeals* policy, but that appeal will be held in abeyance during the period of suspension. The student will have the right to pursue the appeal at the completion of the suspension. It will be the responsibility of the student to reactivate the appeal within thirty (30) calendar days of the completion of the suspension.

COMMITTEE STRUCTURES

I. Educational Policy Appeals Committee

This Standing Committee hears student appeals concerning College educational policies and procedures. Committee members are appointed by the College President. The Committee is composed of the following members:

- a. Registrar or designate (Committee Chair). Non-voting.
- b. One Counsellor. Non-voting.
Recommended by the Dean of Student Development. Minimum one-year term and maximum three-year term.
- c. One Faculty Member. Voting
Recommended by the Registrar from a list of nominees submitted by the Vice President of the appropriate Division, rotating in the following sequence: Academic, Educational Services. Three-year term.
- d. One Administrator. Voting.
Appointed by the President and representing a Faculty other than that represented by the faculty member. Three-year term.
- e. One Student. Voting.
Recommended by the College Relations Coordinator of the Douglas Students' Union. Minimum one-year term and maximum two-year term.

The faculty member and the administrator will be replaced in different years.

No person who has made a determination regarding the student and the policy or procedure involved at any level shall be allowed to play any part in any Appeal subsequent to that determination.

Alternates will be designated for those appeals in which any one of the standing committee members may be perceived as having a conflict of interest.

All members of the Committee must be present for the hearing to take place. The non-voting members will offer information to the Committee as required to assist its deliberations. The non-voting members will not attempt to influence the decision of the voting members of the Appeals Committee.

II. Grade Appeals Committees

These Committees, struck as required, hear appeals dealing with grades achieved in credit courses. Their mandate is to examine the grade assigned in relation to whether the instructor applied evaluation policies and/or procedures appropriately. Committee members are appointed by the Vice President, Academic. The Committees are composed of the following members:

- a. One Dean, or the Director of Learning Resources (Committee Chair). Non-voting.
- b. One Counsellor (when requested by the Committee Chair). Non-voting.
- c. Two instructors from within the Faculty in question. Voting.
One instructor from within the Department/Program and one instructor external to the Department/Program. Recommended by the Committee Chair from a list of nominees submitted by the Departments/Programs in each Faculty. Three-year term. Membership varies according to the appeal being heard.

d. One Student. Voting.

Recommended by the appropriate College Relations Coordinator of the Douglas Students' Union. Minimum one-year term and maximum two-year term. Membership may vary according to the appeal being heard.

No person who has made a determination of a student's grade at any level shall be allowed to play any part in any appeal subsequent to that determination.

Alternates will be designated for those appeals in which any one of the Committee members may be perceived as having a conflict of interest.

All members of the Committee must be present for the hearing to take place. The non-voting members will offer information to the Committee as required to assist its deliberations. The non-voting members will not attempt to influence the decision of the voting members of the Appeals Committee.

EDUCATIONAL POLICY APPEALS PROCESS

1. The student must be given the opportunity to resolve the issue through an informal resolution process. An informal resolution means the resolution of the problem by the parties to the dispute, based upon unanimous agreement. Parties to the dispute will normally consist of the student, the employee, and the Dean/Director of the area involved. The student may obtain assistance from a College Counsellor, the Douglas Students' Union Ombudsperson, the First Nations Services Coordinator, the Women's Centre Coordinator, the Centre for Students with Disabilities Coordinator, a College faculty member, or an elected representative of the Douglas Students' Union. If participation in an informal process is declined by either party, the student may proceed directly to the formal appeal process.
2. Students must present a written appeal to the Registrar within the four (4) month period following receipt of the original decision which they are appealing. Failure to comply with this deadline will result in the appeal being denied. Students can request an extension of this deadline in extraordinary circumstances.
3. Students are expected to present written documentation surrounding the circumstances of the appeal. Students may obtain a petition form from the Registrar's Office, but appeals need not be presented on this form in order to be accepted. The appeal documentation will set forth
 - a. The nature of the appeal;
 - b. An appropriate rationale for the Appeal (eg inappropriate application of educational policies/procedures);
 - c. A summary of events that resulted in the Appeal;
 - d. The reasons why the decision should be changed.

Students are encouraged to consult with a College Counsellor, the Douglas Students' Union Ombudsperson, the First Nations Services Coordinator, the Women's Centre Coordinator, or the Centre for Students with Disabilities Coordinator prior to filing a formal written Appeal (see Appendix A.)

The Registrar is charged with reviewing the material for completeness and clarity and determining whether an Appeal will be presented to a formal Appeal Hearing. A Hearing will be

denied to students who are unable to present reasonable grounds for a change to the original decision. However, if the student disagrees with the Registrar's decision to deny the Hearing, the student may request that all documentation be presented to the Appeals Committee, in the presence of the student and his/her advocate if desired (see Appendix A), in order to determine the reasonableness of the grounds.

4. The Registrar is also responsible for determining if the student has been given the opportunity to resolve the difficulty through an informal process. A formal appeal should proceed only if participation in an informal process has been declined or has not produced a satisfactory resolution.
5. The Registrar will convene a meeting of the Educational Policy Appeals Committee. The Registrar as Committee Chair is required to schedule the Appeal Hearing at the earliest possible date, normally within thirty (30) calendar days of receipt of complete documentation, but must allow sufficient time for all parties to prepare for the Appeal Hearing. Either party may request an extension of this deadline. Such requests must be submitted in writing to the Committee Chair and will not be unreasonably denied. The Committee Chair will consult with both parties in determining the reasonableness of the grounds. If an extension is not granted and the Hearing does not take place within the stipulated thirty (30) calendar day period, the student's scheduled Appeal will be granted automatically, unless the delay in the Hearing is caused by the student. The student will be contacted by the office of the Registrar concerning the date, time and place scheduled for the Appeal Hearing. An Appeal will automatically be denied if reasonable notice of inability to attend is not provided by the student. The Committee will have a regular meeting schedule, but extraordinary dates can be arranged in advance through the Committee Chair.
6. The employee(s) named in the Appeal is/are encouraged to submit documentation surrounding the original decision for distribution to the student and the Committee Members. The Committee Chair is required to circulate, in advance of the Appeal Hearing, to Committee members and all parties involved in the Appeal, copies of all documentation submitted by the parties.
7. The Appeal Hearing will be attended by
 - a. Members of the Committee, as previously stipulated;
 - b. The student appellant and his/her advocate, if desired (see Appendix A);
 - c. The employee(s) involved;
 - d. The Dean/Director of the affected Faculty, or designate.
8. Students are expected to conduct their own Appeals, but may receive assistance during the Hearing as outlined in Appendix A.
9. The Committee Chair will ensure that due process is followed, facilitate the proceedings, and supply information to the Committee as required to assist its deliberations. The Committee Chair will begin the Appeal Hearing by introducing all parties in attendance and outlining the procedures to be followed at the Hearing. An opportunity will be provided for presentation of the issues from the student's perspective. The employee(s) named in the Appeal will be given the same opportunity. Committee Members may then ask questions of either party involved in the Appeal. Committee Members will deliberate and make a decision regarding the Appeal. The

decision will be made by majority vote and will be delivered by the Committee Chair to the student, the employee(s) and the Dean/Director or designate. The student will subsequently receive written confirmation of the decision from the Committee Chair.

10. All Appeal Hearings will be recorded. Written records will be maintained by the Office of the Registrar for at least one year after the Hearing date. These records will remain confidential, as will all documentation presented in support of the Appeal. Committee Members are expected to return all documentation to the Committee Chair at the close of an Appeal Hearing. No one may duplicate any documentation circulated in support of an Appeal Hearing without the express written permission of the Committee Chair.
11. Decisions of the Appeals Committee may be appealed to the Education Council Appeal Tribunal (see Appendix B). The request for an Appeal must be submitted to the Chair of the Education Council in writing within thirty (30) calendar days of the Appeals Committee decision and must provide specific grounds for the Appeal, indicating that due process was not followed, policy was incorrectly applied, important evidence was missing or the decision was inconsistent with the principles of natural justice.

GRADE APPEALS PROCESS

1. The student must be given opportunity to resolve the issue through an informal resolution process. An informal resolution means the resolution of the problem by the parties to the dispute, based upon unanimous agreement. Parties to the dispute will normally consist of the student, the employee, and the Program Coordinator/Department Chair/Dean/Director. The student may obtain assistance from a College Counsellor, the Douglas Students' Union Ombudsperson, the First Nations Services Coordinator, the Women's Centre Coordinator, the Centre for Students with Disabilities Coordinator, a College faculty member, or an elected representative of the Douglas Students' Union. If participation in an informal process is declined by either party, the student may proceed directly to the formal appeal process.
2. Students must present written Appeal to the Dean/Director of the Faculty concerned within the four (4) month period following the receipt of the original decision which they are appealing. Failure to comply with this deadline will result in the Appeal being denied. Students can request an extension of this deadline in extraordinary circumstances.
3. Students are expected to present written documentation surrounding the circumstances of the Appeal. Students may obtain a Petition Form from the Registrar's Office, but Appeals need not be presented on this form in order to be accepted. The Appeal Documentation will set forth
 - a. The nature of the Appeal;
 - b. An appropriate rationale for the Appeal (eg inappropriate application of evaluation policies/procedures);
 - c. A summary of events that resulted in the Appeal;
 - d. The reasons why the grade should be changed.

Students are encouraged to consult with a College Counsellor, the Douglas Students' Union Ombudsperson, the First Nations Services Coordinator, the Women's Centre Coordinator, the Centre for Students with Disabilities Coordinator prior to filing a formal written Appeal (see Appendix A.)

Upon receipt and review of the documentation stipulated above, the Dean/Director of the Faculty concerned will review the material for completeness and clarity and determine whether an Appeal will be presented to a formal Appeal Hearing. A Hearing will be denied to students who are unable to present reasonable grounds for a change to the original decision. However, if the student disagrees with the Dean/Director's decision to deny the Hearing, the student may request that all documentation be presented to the Appeals Committee, in the presence of the student and his/her Advocate if desired (see Appendix A), in order to determine the reasonableness of the grounds.

4. The Dean/Director is also responsible for determining if the student has been given the opportunity to resolve the difficulty through an informal process. A formal Appeal should proceed only in participation in an informal process has been declined or has not produced a satisfactory resolution.
5. The Dean/Director will convene a meeting of the Grade Appeals Committee. The Dean/Director as Committee Chair is required to schedule the Appeal Hearing at the earliest possible date, normally within thirty (30) calendar days of receipt of complete documentation, but must allow sufficient time for all parties to prepare for the Appeal Hearing. When organizational requirements dictate, the Committee Chair may extend this deadline. Either party to the appeal may also request an extension of this deadline. Such requests must be submitted in writing to the Committee Chair and will not be unreasonably denied. The Committee Chair will consult with both parties in determining the reasonableness of the grounds. If an extension is not granted and the Hearing does not take place within the stipulated thirty (30) calendar day period, the student's Appeal will be granted automatically, unless the delay in the Hearing is caused by the student. The student will be contacted by the Committee Chair concerning the date, time and place scheduled for the Appeal Hearing. An appeal will automatically be denied if reasonable notice of inability to attend is not provided by the student.
6. The employee(s) involved in the Appeal is/are encouraged to submit documentation surrounding the original decision for distribution to the student and the Committee Members. The Committee Chair is required to circulate, in advance of the Appeal Hearing, to Committee Members and all parties involved in the Appeal, copies of all the documentation submitted by the parties.
7. The Appeal Hearing will be attended by
 - a. Members of the Committee as previously stipulated;
 - b. The student appellant and his/her Advocate if desired (see Appendix A);
 - c. The employee(s) concerned;
 - d. The Program/Department Head, if appropriate.
8. Students are expected to conduct their own Appeals, but may receive assistance during the Hearing as outlined in Appendix A.
9. The Committee Chair will ensure that due process is followed, facilitate the proceedings and provide information to the Committee as required to assist its deliberations. The Committee Chair will begin the Appeal Hearing by introducing all parties in attendance and outlining the procedures to be followed at the Hearing. An opportunity will be provided for presentation of issues from the student's perspective. The employee(s) implicated in the Appeal will be given

the same opportunity. Committee Members may then ask questions of either party involved in the Appeal. Committee Members will deliberate and make a decision regarding the Appeal. The decision will be made by majority vote and will be delivered by the Committee Chair to the Student and the employee(s). The student will subsequently receive written confirmation of the decision from the Committee Chair.

10. All Appeal hearings will be recorded. Written records will be maintained by the Committee Chair for at least one year after the Hearing date. These records will remain confidential, as will all documentation presented in support of the Appeal. Committee Members are expected to return all documentation to the Committee Chair at the close of an Appeal Hearing. No one may duplicate any documentation circulated in support of an Appeal Hearing without the express written permission of the Committee Chair.
11. Decisions of the Grade Appeals Committee may be appealed to the Education Council Appeal Tribunal (see Appendix B). The request for an Appeal must be submitted to the Chair of the Education Council in writing within thirty (30) calendar days of the Appeals Committee decision and must provide specific grounds for the Appeal, indicating that due process was not followed, policy was incorrectly applied, important evidence was missing or the decisions was inconsistent with the principles of natural justice.

APPENDIX A

Educational Policy and Grade Appeals Committees involve a Counsellor as a non-voting member. A second counsellor or other advocate (see below) may also be present in support of the student's interests.

Role of Counsellor as Non-Voting Member on Appeals Committees

The Counsellor may:

- a. Provide consultation to the Committee regarding College policies as they relate to the rights and responsibilities of students;
- b. Help facilitate group process throughout the Appeals Committee meeting (ie clarify issues so that all parties are communicating clearly);
- c. Contribute psychological information or perspective when relevant;
- d. Ask questions of all participants during the question period of the Appeal Hearing.

Role of Advocate in Student Appeals

Choice of student advocate is restricted to one of the following persons in the Douglas College community owing to their knowledge of College policy and procedures and to their familiarity with students' interests: a Counsellor, the First Nations Services Coordinator, the Women's Centre Coordinator, the Centre for Students with Disabilities Coordinator, the Douglas Students' union Ombudsperson, a College faculty member, or an Appeal Hearings for College policy or Grade Appeals, or to formal hearings of the Appeal Tribunal, as requested by the student.

The Advocate may:

- a. Hear the student concern in confidence;
- b. Help the student determine if he/she has grounds for an Appeal;
- c. Suggest informal means of resolution, when appropriate, as stated in the College Calendar, and explore with the student the various options available to him/her. Options might include:
 - i. Referring the student to the employee involved to discuss his/her concern;

- ii. Suggesting that the Advocate may act as a mediator between the student and the employee involved if step (a) is not possible;
 - iii. Referring the student to the Program Coordinator/Department Chair/Dean/Director to discuss his/her concern;
- d. Explain and clarify College regulations regarding the Appeals process;
- e. Explain and clarify the student's responsibilities as they relate to the Appeals process;
- f. Explain the procedures and membership of the Appeals Committee or the Appeal Tribunal;
- g. Outline and assist in preparing a formal written appeal, ensuring that the following areas are covered:
 - i. Statement of the situation (ie name of class or context in which the policy was applied, course, semester, etc.);
 - ii. Statement of action requested (ie change of grade, reinstatement, etc.);
 - iii. Statement of reasons why the Appeal should be granted (this statement may include supporting data);
- h. Provide emotional support to the student at all stages of the Appeals process, if the student so requests. This could involve the Advocate assisting the student during his/her Appeal presentation. Assistance in this context could include:
 - i. Accompanying the student to the Appeal Hearings;
 - ii. Speaking directly to the student during the Appeal Hearing if there is evidence of confusion or misunderstanding about the meaning of statements made;
 - iii. Clarifying issues as required to ensure that all participants are communicating clearly and completely;
 - iv. If requested, summarizing the student's position to the Committee at the end of the presentation;
 - v. Providing support and information following Appeal Hearings, if required.

Where requested by the student, the advocate of choice may be permitted to present the student's perspective on his/her behalf. This would be an exception to the general expectation that appellants speak for themselves. When students have chosen this process, the Advocate should give notification to the Chair of the Appeals Committee at least one week prior to the date of the Appeal Hearing.

APPENDIX B

In accordance with the College and Institutes Act, the Appeal Tribunal will review requests for a final level of appeal of educational policies or practices, as stated in the *Student Appeals* policy. Where sufficient grounds exist, the Appeal Tribunal will hear final appeals, and render a decision that may confirm, revise or overturn the earlier decision.

APPEAL TRIBUNAL

Membership

Three (3) members from the Education Council. Membership comprises the Chair and two (2) other elected members, none of whom has been involved in an earlier determination of the Appeal. The Chair of Education Council chairs the Appeal Tribunal.

Grounds for Final Appeal

Students may request a review of their Appeal decision by the Appeal Tribunal based on any of the following grounds:

- a. Due process was not followed;
- b. Policy was incorrectly applied;

- c. Important evidence was missing;
- d. The decision was inconsistent with the principles of natural justice.

Process

1. The student submits a written/dated request to the Chair of the Education Council within thirty (30) days of the decision of the original appeal.
2. This request must clearly articulate the grounds (as stipulated above).
3. All pertinent documentation from the original Appeal Committee will be requested by the Appeal Tribunal. The appeal process will not start until all relevant information is submitted to the Appeal Tribunal Chair.
4. Once the documentation has been received, the Appeal Tribunal will meet to review the documents to determine if a hearing is required. This meeting shall occur within fourteen (14) days of the submission of all documentation. Students will be contacted by the Appeal Tribunal Chair concerning the date, time and place scheduled for the meeting. The student is not required to attend this meeting but may elect to do so, accompanied by his/her Advocate if desired (see Appendix A). This initial review meeting will be recorded.

Following this initial review, the following will occur:

1. If the Tribunal does not feel there is sufficient evidence to warrant a Hearing, a letter identifying the reasons for the denial of the Appeal will be sent to student and copied to the appropriate Dean/Director and Vice President.
2. If the Tribunal deems there to be sufficient evidence for a formal Hearing, the student and the appropriate Dean/Director and Vice President will be notified in writing. This Hearing will occur within twenty-one (21) days of the initial review meeting. The exception to this is during the months of July and August. During these months, every effort will be made to hear the Appeal in an expeditious manner.
Students will be informed in writing, but the Appeal Tribunal Chair, as to the time, date, place and any further documents required as well as the process to be followed during the hearing. This information will be conveyed to the student a minimum of fourteen (14) days before the date of the Hearing. The appropriate Dean/Director and Vice President will be notified of the above information in the same manner as the student.
3. All members of the Tribunal must be present for the Hearing to proceed. Meetings will be conducted by the Appeal Tribunal Chair. The Hearing will be recorded. The Tribunal will hear from both parties and/or other relevant persons, either separately or together, whichever is deemed appropriate by the Tribunal. The Hearing will focus on whether (and/or how) the grounds for final appeal might alter the earlier Appeal's decision. The decision will be made by majority vote and will be delivered by the Appeal Tribunal Chair to the student and the employee(s). The student will subsequently receive written confirmation of the decision from the Appeal Tribunal Chair.
4. Following the Appeal resolution, all documents will be returned to the Appeal Tribunal Chair who will seal them, along with the recordings of the initial review meeting and the Final appeal, for a period of one year, after which all records of the Appeal Hearing(s) will be destroyed.

This policy was last revised in July 2001.