

 Policies & Procedures Manual	# Pages: 8	Policy Number: AC-01-06
	Approved by: Learning Council	
Section: Academic - Students	Effective Date: June 13, 2023	
Title: Academic and Disciplinary Appeals	Replaces: February 25, 2014	

POLICY STATEMENT

University College of the North (UCN) will ensure that students have to the right to appeal academic and disciplinary decisions. Students may choose to seek resolution using a traditional method such as a Sharing Circle.

PURPOSE OF POLICY

To outline the procedures to appeal academic and disciplinary decisions.

PROCEDURES

Students who are appealing a decision are strongly encouraged to seek support from an Academic Advisor and/or Student Counsellor to assist with the appeals process.

1. Academic Appeals – Initial Appeal Process

Students have the right to appeal academic decisions:

- Assessment of skill demonstrations and/or clinical, practical or work experiences;
- Marks on individual assignments and examinations;
- Final grades.

In most cases, students are permitted to attend classes while an academic appeal is pending.

Step 1

Within five (5) UCN working days of receipt of a mark, grade or assessment, if the student disagrees with the assessment result, the student shall meet with their instructor to informally appeal the mark, grade or assessment in an attempt to resolve the student concern. The instructor and student have five (5) UCN working days to informally resolve the matter. If the instructor denies the student's request to revise the assessment result, the student may opt to proceed to Step 2 of the process.

Step 2

Within two (2) UCN working days of the meeting with the instructor or receiving documentation from the instructor indicating that the mark, grade, or assessment will stand, the student may complete the *Initial Appeal Form*. When possible, the student should have the instructor sign the *Initial Appeal Form*, to indicate that an attempt to reach an informal resolution was sought. The *Initial Appeal Form* along with relevant supporting documentation shall be submitted to the student's Dean or equivalent.

The Dean or equivalent will either grant or deny the appeal within five (5) UCN working days. The decision of the Dean or equivalent will be noted on the *Initial Appeal Form*. The form along with a letter or other written documentation will be sent to the student and instructor. If the appeal is granted, the instructor must make the necessary adjustments within five (5) UCN working days.

If the appeal is denied, and the student believes that the decision was made unfairly or that the process was biased, the student may appeal to the Vice-President Academic and Research (VPAR) (Step 3).

Step 3

Within two (2) UCN working days of receiving the written notification that the appeal was denied at Step 2, the student may appeal the decision in writing to the VPAR. To appeal at this stage, the student must supply evidence that demonstrates alleged unfairness or bias in the process of the appeal.

The VPAR will render a decision and inform all parties in writing within five (5) UCN working days. If the VPAR determines that the process was unfair or biased, then the VPAR shall determine the actions to be taken. If the VPAR denies the student's appeal, the student may proceed to the Formal Appeal Process. The completed *Initial Appeal Form* shall be attached to the VPAR's written decision.

2. Disciplinary Appeals – Initial Appeal Process

Students have the right to appeal any decision related to disciplinary action taken by UCN.

In some cases, students will not be permitted to attend classes while a disciplinary appeal is pending.

Step 1

If a student disagrees with a disciplinary action taken against them, the student shall meet with the appropriate staff or faculty member within five (5) UCN working days to informally appeal the disciplinary action taken. Within five (5) UCN working days of the staff or faculty member and student meeting, the staff or faculty member shall uphold or deny the appeal. If the staff or faculty member denies the appeal, the student may pursue Step 2 of the process.

Step 2

Within two (2) UCN working days of a meeting with the appropriate staff or faculty member or receiving documentation from the staff or faculty member indicating that the appeal is denied, the student may opt to complete the *Initial Appeal Form*. When possible, the student should have the staff or faculty member sign the *Initial Appeal Form*, to indicate that an attempt to reach an informal resolution was sought.

The *Initial Appeal Form* along with relevant documentation will be submitted to the student's Dean or equivalent. The Dean or equivalent will investigate the matter to determine whether the appeal should be granted or denied. The Dean or equivalent, will render a decision and within five (5) UCN working days, notify the student and staff or faculty member in writing of their decision. If the appeal is granted, the staff or faculty member must make the necessary adjustments within five (5) UCN working days. If the appeal is denied, and the student believes that the decision was made unfairly or that the process was biased, the student may appeal to the VPAR (Step 3).

Step 3

Within two (2) UCN working days of receiving the written notification that the appeal was denied at Step 2, the student may appeal the decision in writing to the VPAR. To appeal at this stage, the student must supply evidence that demonstrates alleged unfairness or bias in the process of the appeal.

The VPAR will render a decision and inform all parties in writing within five (5) UCN working days. If the VPAR determines that the process was unfair or biased (as defined in 3.1), then the VPAR shall determine the actions to be taken. If the VPAR denies the appeal, the student may proceed to the Formal Appeal Process. The completed *Initial Appeal Form* shall be attached to the VPAR's written decision.

3. Formal Appeal Process – Academic and Disciplinary Appeals

The formal appeal process can be enacted for both academic and disciplinary appeal decisions.

After having received the written decision from the VPAR, the student can proceed to the Formal Appeal process which includes an Appeal Board hearing. The student must complete the *Formal Appeal Form* and attach appropriate supporting documentation/material. The *Formal Appeal Form* and supporting documents shall be submitted to the Chair of the UCN Learning Council Appeals Committee (the Committee) c/o the UCN Registrar within two (2) UCN working days.

In response, the Committee may take any of the following actions:

- indicate to the student that all avenues of the Initial Appeal process have not been exhausted and request that every step of the Initial Appeal process be satisfied;
- request further information from the student and/or others involved in the case; or

- grant a hearing, at which time the student and others involved may be asked to appear before the Appeal Board.

If the Committee determines that the matter will be heard by an Appeal Board, the Committee Chair shall constitute an Appeal Board within five (5) UCN working days of their written decision sent to parties involved in the appeal.

3.1 Composition of the Appeal Board

Members of the Appeal Board established to hear and render decisions on student appeals shall be drawn from membership of the Committee, except where a conflict of interest or other exceptional circumstances apply. Wherever possible, the composition of the Appeal Board shall reflect the demographic characteristics of the institution and of the student.

The Appeal Board shall:

- be composed of five members, including:
 - The Committee Chair (or designate), who shall serve as the Appeal Board Chair;
 - One college faculty member, if the appeal is by a student in a college program or from university faculty if the appeal is by a student in a university program;
 - One non-instructional staff member;
 - One student; and,
 - One member from any of the above constituencies.

The following staff or faculty members shall be disqualified from hearing a formal appeal:

- A staff or faculty member connected to the program in which the student is enrolled;
- A student registered in the same program as that of the student appealing;
- A staff or faculty member involved in the initial appeal process; and,
- Anyone who voluntarily declares bias or conflict of interest (as defined in 3.1).

The Committee Chair shall notify the student and staff or faculty member of the Appeal Board membership within two (2) UCN working days of its creation.

A student may challenge any member of the Appeal Board on the grounds of conflict of interest, bias, or malice by contacting the Appeal Board Chair within two (2) UCN working days of receiving notice of Appeal Board members. Within two (2) UCN working days of receiving the notice of challenge, the Appeal Board Chair shall inform the remaining members of the Appeal Board of such a challenge, shall consider the merits of the challenge and determine whether or not the member should be disqualified from hearing the appeal.

If the Appeal Board Chair determines that an Appeal Board member should be replaced, they shall make every effort to do so within three (3) UCN working days.

The Appeal Board Chair inform both parties to the Appeal and remaining Appeal Board members of the new member within two (2) UCN working days.

For the purposes of appeals, “conflict of interest” shall designate a situation where an individual stands to benefit from a decision being made with respect to a person who is a member of the individual’s immediate family, or with whom the individual has any relationship of an intimate and/or financial and/or commercial nature either current or past, including any student-supervisor relationship or any other past or present relationship, which conflicts or appears to conflict with the individual’s responsibility to UCN and includes an actual, apparent and/or perceived conflict of interest.

“Bias” can be defined as “inclination or prejudice for or against one person or group, especially in a way considered to be unfair”.

“Malice” can be defined as “one’s intention to do injury to another party”.

Should a challenge result in a loss of a member, the Appeal Board shall adjourn while the Appeal Board Chair selects a new member. The hearing is rescheduled as soon as possible.

3.2 Appeal Board Hearing

The Committee Chair shall convene an Appeal Board, schedule a hearing as soon as it is practical, and will notify all parties involved of the date and time of the hearing. Nonetheless, the Appeal Board should hear the appeal within ten (10) UCN working days of the receipt of the *Formal Appeal form*. At the discretion of the Appeal Board Chair, the maximum time within which to hear the appeal may be extended to accommodate extenuating circumstances. Every effort will be made to schedule the hearing at a time convenient to both parties.

It is the responsibility of the Appeal Board Chair to ensure that the parties who are involved in the appeal are informed of all procedures, deadlines, decisions, and other requirements that relate directly to the formal appeal. It is the responsibility of the student to follow up on the notification and to meet the deadlines required by this policy.

In circumstances where the grade would prohibit the student from proceeding to a course dependent on it, or moving to the next term, the student will register pending the decision of the Appeal Board. An exception to this is made if the assessment in a clinical or practicum situation is the matter being appealed.

3.3 Guidelines

The parties directly involved in the appeal shall have the right to and should expect to appear before the Appeal Board and attend the entire hearing, excluding final deliberations of the Appeal Board.

The Appeal Board hearing is intended to be a search for the facts related to the issue(s) brought before the Appeal Board. Thus, the parties involved should expect to be questioned by the Appeal Board members during the course of the hearing.

The Appeal Board may, at its discretion, request and introduce at the hearing any evidence it deems relevant. However, nothing in these procedures should be taken as relieving the student of the responsibility to present evidence and arguments in support of the appeal.

The parties directly involved in the appeal shall have the right to have one representative each throughout the appeal process. The representatives may speak on behalf of the parties. The parties must notify the Appeal Board Chair of the identity of their chosen representative at least three (3) UCN working days in advance of the hearing.

The parties shall have the right to present any witness and/or written material that supports their case. The parties shall have the right to question witnesses. Witness names must be received by the Appeal Board Chair at least three (3) UCN working days in advance of the hearing.

Before rendering a decision, the Appeal Board may request that the parties directly involved in the appeal, or any other party provide additional information related to the case.

Should the student fail to attend the hearing without notifying the Appeal Board Chair, or their office, of the student's inability to be present, or should the student decline to attend, the appeal will be dismissed and the original recommendation will stand.

The decision of the Appeal Board (and all documentation related to the appeal) will form part of the student's academic file.

The decision of the Appeal Board will be final.

3.4 Procedures at the Formal Appeal Hearing Process

The Appeal Board Chair reviews the process that will be followed in hearing the appeal (per Presentations to the Appeal Board section) and asks the parties, if they have any questions about the process, and responds to questions accordingly.

To ensure order and to provide both parties to the appeal an equal opportunity to be heard, the parties will speak through the Appeal Board Chair, instead of speaking directly to each other. Rebuttals by either party are at the discretion of the Appeal Board Chair.

The hearing must recess if any Appeal Board member or the parties leave the room temporarily. Either party may request a recess at any point in the hearing.

Presentations to the Appeal Board

The parties will be asked to make a presentation before the Appeal Board. The Appeal Board Chair will ask the student (or their representative) if they wish to present first.

A question-and-answer period will follow the presentations. The parties may ask each other questions related to the presentations. Questions are to be directed through the Appeal Board Chair.

The members of the Appeal Board may ask the parties questions related to the presentations.

When the Appeal Board is satisfied that it has acquired all the necessary information, the Appeal Board Chair shall ask each party to make a closing statement. After which, the Appeal Board dismisses the parties and pursues its in-camera deliberations and determines a decision.

3.5 Appeal Board Deliberations

Once it enters its deliberations, the Appeal Board may decide that it requires more information and may then call both parties back, possibly at a later date, or invite more witnesses to come before the Appeal Board.

In most cases, the Appeal Board will be able to hear all the evidence and reach its decision at one meeting. Should a second or subsequent meeting be required solely for the Appeal Board's deliberations, it may not be necessary for the parties to appear again. However, both parties will be informed if the Appeal Board solicits new witnesses. Both parties shall have the right to be present at any meeting at which new evidence is being presented.

The Appeal Board Chair votes only in the event of a tied vote.

3.6 Appeal Board Decisions

If the appeal is denied, no further action can or will be taken. If the appeal is upheld, the appeal board shall determine the actions to be taken. The Appeal Board Chair will communicate the written decision, with rationale, to the parties involved in the appeal within five (5) UCN working days of the hearing. The decision letter will be given to the parties and VPAR.

A copy of the decision letter will be placed in the official student file in Enrolment Services.

The decision of the Appeal Board is final.

4. Required Forms

After the appeal has been settled, the completed *Initial Appeal Form* and *Formal Appeal Form* along with all other relevant materials shall be sent to Enrolment Services for retention.

Students wishing to pursue an appeal may obtain copies of the *Initial Appeal* and *Formal Appeal Forms* from Enrolment Services, UCN Student Association offices in The Pas and Thompson, or the receptionist in The Pas and Thompson.

Related Policies / Documents

AC-01-27 Student Discipline

AC-01-28 Student Code of Rights and Responsibilities

AC-01-37 Course Withdrawal

Initial Appeal Form

Formal Appeal Form