

THE LAMBTON COLLEGE OF APPLIED ARTS AND TECHNOLOGY

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APPEAL OF AN ACADEMIC DECISION (INCLUDING GRADE APPEALS)

Evaluation of student learning and competencies and the grading of student performance are central to the teaching-learning process, and the basis for the progression of the student through and graduation from a program of study.

It is the right and responsibility of the College and faculty to exercise professional judgment and discretion in establishing the evaluation structure and instruments, and evaluating student performance and progress. "Students have a responsibility to respect the professor's right to establish standards for classroom behaviour and decorum; determine the learning and evaluation activities, methods and processes; and, generally, conduct the course in the manner that the professor determines to be appropriate."^[1] Concurrently, "Students have a right to be impartially graded and to appeal any evaluation or decision that affects their grades"^[2] and the faculty and College have a responsibility to ensure that students are evaluated and graded within a structure and in a manner that is known to the student, transparent, objective, appropriate, fair and equitable.

It is the right and responsibility of the College and its faculty, staff and administrators to exercise their judgment and discretion in making decisions that affect or determine a student's experience in, progression through or graduation from a program of study. The College has a responsibility to ensure that those decisions, and the manner in which they are determined, are transparent, objective, appropriate, fair and equitable.

The College is committed to all students having a reasonable opportunity to have decisions regarding their learning, performance and progress reviewed in a manner that respects the principles of fairness, equity and natural justice.

NOTE: Most academic decisions are made by teachers, who are supervised by a Dean (or Associate Dean). In some instances, however, an academic decision may be made by an individual who is not a teacher. In those cases, this policy may be read with "teacher" replaced with "decision-maker" and "Dean" replaced with "Supervisor".

Policy

Academic Decision Appeal

1. Any student registered at Lambton College may appeal a grade awarded in a course, or any decision or judgment made regarding the student's learning, competencies, standing in, progression through, or graduation from a program of study. See statement 11 below for examples.

Appeals concerning disciplinary decisions, including academic dishonesty, are not governed by this policy, but rather the Student Rights, Responsibilities and Discipline policy. Concerns or issues arising from harassment, discrimination, bullying and other such behaviours are not addressed through this policy but rather through College policies that address those matters directly, such as the Student Rights, Responsibilities and Discipline policy.

2. The appeal process consists of the Informal Appeal process and the Formal Appeal process. The Formal Appeal process will only be initiated once the Informal Appeal process has been undertaken in good faith and exhausted.

Informal Appeal

3. A student dissatisfied with an academic decision must initiate the appeal process by contacting the teacher. This contact must be made within ten College working days of the publication of the decision, e.g. issue of final grade by Registrar, or the informing of the student of the decision.
4. In the student discussion with the teacher, the student must indicate the reason for dissatisfaction or disagreement with the decision and the remedy sought. Both parties should attempt to reach an understanding of the differences and, if possible and appropriate, a resolution to the dissatisfaction.
5. If the student remains dissatisfied after the required discussion with the teacher and wishes to continue with the appeal, the student must contact the Dean of the teacher to arrange a meeting with the Dean.
6. The Dean, or designate, will meet with the student within three College working days to discuss the appeal.
 - a. The Dean will meet with the student only if the student has met with the teacher as described above, or has made a good-faith but unsuccessful attempt to meet with the teacher. The Dean may require documentation or proof of the meeting or discussion between the student and teacher.

In exceptional circumstances, the requirement to meet with the teacher may be waived by the Dean.
 - b. The teacher may be invited to the meeting at the discretion of the Dean.
 - c. The Dean shall discuss the matter with the teacher.
 - d. The Dean and the student and teacher should attempt to reach an understanding of the differences and, if possible and appropriate, a resolution to the appeal.
 - e. If a resolution is not achieved, the Dean will determine the matter.
 - f. In some instances, the Dean may choose to render no decision and so permit direct access to the Formal Appeal.

- g. The Dean will inform the teacher of the decision within one working day of the conclusion of the above discussion.
- h. Within one working day after being informed, the teacher may request a re-consideration of the decision.
 - i. To inform the re-consideration, the Dean will schedule a meeting with at least two, and preferably all, academic deans to consider the matter in dispute. This meeting should be within three working days of the request for reconsideration being made.
 - ii. The teacher will submit, through his Dean, to the meeting, in writing, the reason for requesting the re-consideration, the arguments for his case and the remedy sought.
 - iii. The teacher will be available to participate in the meeting at the request of the participating deans.
 - iv. At the conclusion of the re-consideration meeting, the participating deans will advise the Dean on the matter in question.
- i. The Dean will inform the teacher and the student of his decision within one working day of the re-consideration meeting.
- j. The decision, which may include changing a mark or grade, will be implemented immediately.

Formal Appeal

7. A student not satisfied with the outcome of the Informal Appeal Process may request a formal appeal of the academic decision.
8. A Formal Academic Appeal will proceed only when the matter cannot be resolved through the Informal Process. A good-faith undertaking of the Informal Process must be exhausted before a Formal Academic Appeal may be initiated.
9. A request to initiate the Formal Appeal Process must be filed with the Director of Student Success within five College working days of the transmission of the Dean's decision concluding the Informal Appeal Process.
10. The request for a Formal Appeal must be in writing, addressed to the Director of Student Success and include the following:
 - o a statement as to what precisely is being appealed,
 - o the reason(s) for the appeal,
 - o the remedy sought,
 - o a deposit of twenty-five dollars, which is refundable in the event of a successful appeal as determined by the Director of Student Success.
11. The reason for the appeal will normally, but not exhaustively, be for one of the following reasons:
 - a. the final grade has been calculated incorrectly because of a misapplication or misinterpretation of the evaluation process for the course;
 - b. the evaluation of the student has been inconsistent with the evaluation structure or process described in the course outline;
 - c. the evaluation of the student was inconsistent with the evaluation of the other students in the course;
 - d. the student was, in some manner, evaluated or treated differently than the other students to the disadvantage of the student;
 - e. the academic decision concerning the student was inconsistent with the decisions made regarding other students;
 - f. the academic decision concerning the student was inconsistent with process or structure described in relevant College documents;
 - g. the academic decision concerning the student was inconsistent with generally accepted principles of fairness or natural justice.
12. The Formal Appeal Process will not consider appeals regarding minor matters or sanctions. An appeal will not be heard that, if successful, would result in a final grade change of one third of a grade or less, unless that change will affect the student's progression in a program. e.g. a potential maximum grade change from B to B+ (i.e. a third of a grade), with no other repercussions, is not a sufficient change to warrant a formal appeal.
13. In the appeal of an academic decision, the onus is on the student to demonstrate that the decision was inappropriate or faulty and should be modified or reversed.
14. The Director of Student Success will review the application for a Formal Academic Appeal to ensure that the prerequisites for an appeal have been met, and that the application clearly states what is being appealed, the reason for the appeal and the remedy sought. The Director will permit the appeal to proceed when satisfied that all of the conditions have been met. A student dissatisfied with the decision of the Director, may appeal the decision to the Vice-President Academic.
15. The Director of Student Success, on being satisfied that all requirements have been met, will form an Academic Appeal Panel to hear the appeal, and will schedule the hearing no fewer than two and no more than seven College working days after receipt of the request for a Formal Appeal.
16. A student who files a Formal Appeal request that is subsequently approved by the Director of Student Success will not be prevented from proceeding along the normal course of study, or in any other way disadvantaged (e.g. denied a refund after the refund deadline) or held back, while the formal appeal proceeds. Ultimately, if the appeal is lost, the student's status or situation must reflect the outcome of the appeal. For example, a student appealing a failing grade in a course will be allowed to register and continue in a course for which the failed course is a prerequisite while the appeal process continues. If the appeal is lost, and so the student has not successfully completed the course, then the student must be de-registered from the course that has it as a prerequisite.

Academic Appeal Panel

17. The Academic Appeal Panel is authorized to uphold, modify or reverse the academic decision being appealed. It may not direct changes in operations or policy, e.g. course delivery, evaluation procedures, College policy.
18. The Academic Appeal Panel shall be appointed by the Director of Student Success and will consist of the following, none of whom may have any prior involvement with, or knowledge of, the details of the matter:
 - o One Dean or Associate Dean,
 - o One non-academic administrator,
 - o Two senior faculty members - preferably who have served as Academic Coordinators for at least two years,
 - o Two students, preferably at the senior level, identified by the Student Administrative Council.
19. The Chair of the Panel shall be the Dean or Associate Dean.
20. The composition of the Academic Appeal Panel may be altered at the discretion of the Director of Student Success in exceptional circumstances to ensure a fair and impartial Panel.
21. In the event of an appeal of a decision in which the Director of Student Success has had some involvement, the role of the Director will be taken by the Registrar, and if the Registrar is unavailable or ineligible, by a Dean who has had no involvement with the decision under appeal.

Academic Appeal Hearings

22. Academic Appeal hearings shall be conducted by the Academic Appeal Panel according to the following statements.
23. Hearings shall be conducted in camera.
24. Admission of any person other than Panel members, the student, teacher, advisors and witnesses to the hearing shall be at the discretion of the Panel Chair. A witness will be present only while giving evidence or being questioned.
25. Normally, the Panel will hear an appeal from one student only. In exceptional circumstances, where more than one appeal has been filed regarding the same decision by a teacher, the Director of Student Success may determine that a group appeal will be heard.
26. The student and the teacher have the right to be assisted at the appeal hearing by any advisor she chooses drawn from inside the College, at her own expense. No external (to the College) advisors, representatives or assistants may attend the appeal hearing. While the student and the teacher is each responsible for presenting her own case, the advisor may make representations to the Panel on behalf of the student or teacher.
27. Both parties to the appeal, and any advisors they may have with them, will be present throughout the appeal hearing until the Panel enters into its deliberations. In exceptional circumstances, the Chair of the Panel may exclude one party from a part or segment of the hearing.
28. The student and the teacher may present witnesses who may be subject to questions from the Panel. With the permission of the Chair, the student or advisor and the teacher or advisor, for purposes of clarification and verification, may direct questions to the witnesses and the other party.
29. Pertinent records, exhibits and written statements may be presented as evidence for consideration by the Panel. All such evidence will be presented 24 hours in advance of the hearing and shared with all principal parties.
30. The Panel will consider the evidence and testimonies presented to it, recognize that the burden or onus of proof lies with the appealing party and consider that the original decision and the appeal decision are appropriately determined on the basis of a balance of probability (i.e. "more probable than not" or "more likely than not").
31. At the conclusion of the hearing, the Panel shall determine, by majority vote, whether the original academic decision should be upheld, modified or overturned. All members of the Panel, except the Chair, shall vote. In the event of a tied vote, the Chair shall vote to determine the issue.
32. The decision of the Panel shall be rendered within two College working days of the conclusion of the hearing and communicated in writing to the Director of Student Success, who will inform, in writing, the student, the teacher and the Dean. The Dean shall be responsible for implementing any change, e.g. grade change, arising from the decision of the Panel.
33. The Chair of the Panel shall be responsible for the preparation of a written record, to the satisfaction of the Panel, of the appeal hearing, and should include the following:
 - procedures followed, including those opportunities available to the appellant,
 - the Panel's consideration of the evidence,
 - considerations of the credibility of witnesses,
 - a description of the drawing of any inferences and the basis for them,
 - the basis, drawn from the above, for the conclusion reached,
 - the conclusion of the Panel,
 - the decision of the Panel.
34. Once the Panel has rendered its decision, the Director of Student Success shall be responsible for compiling the appeal file, which will be filed with the Registrar, and will consist of the following:
 - the record of the hearing,
 - any evidence considered by the Panel,
 - the appeal application,
 - any other relevant documents that preceded the hearing.
35. The file will be available to the student, teacher and Dean.
36. The file and its contents shall be the property of the College.
37. The decision of the Panel is final and no further appeal is available.
38. The record of the hearing, with identifying information of all persons removed, shall be available to the public and for publication and the consideration of future appeal panels.