

  <p style="text-align: center;"><b>PROCEDURES</b></p>	<b>Motion No:</b> S-202001.06	<b>Approval Date:</b> January 15, 2020
	<b>Approving Authority:</b> Senate and the Board of Governors  <b>Responsible Executive:</b> Provost and Vice President Academic	
<b>Title:</b> <p style="text-align: center;"><b>Student Appeals</b></p>		

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## **1. PURPOSE**

These procedures establish the process followed to resolve student appeals including academic misconduct, grade appeals, academic standards and non-academic misconduct appeals.

## **2. SCOPE**

These procedures apply to all UNBC students as defined in Section 4.3.9 of the *Academic and Non-Academic Conduct Student Policy*.

## **3. PRINCIPLES**

- 3.1** All students have the natural and reasonable right to appeal grades given during the term, the final grade of a course, and other academic policies and decisions of the University. SCA's decisions are final, binding and are not subject to review or appeal.
- 3.2** The Senate Committee on Student Appeals (SCA) is the standing committee of final appeals for students in matters of academic misconduct, non-academic misconduct, grade appeals and academic standards requirement to withdraw.
- 3.3** All appeal hearings are held in the strictest confidence and normally are attended only by members of the SCA and the parties to the particular appeal.
- 3.4** Faculty or student SCA committee members with previous direct involvement in the case may not deliberate on the appeal.
- 3.5** The Student has the right to challenge the neutrality of any member of the Committee scheduled to hear his/her appeal. The SCA Chair, with the advice of the Committee, rules on the validity of the challenge.
- 3.6** A support person may accompany a Student to any meeting concerning disciplinary matters and to an SCA appeal hearing.
- 3.7** Neither the Student nor the University has the right to representation by legal counsel during Appeal Hearings except by permission of the SCA Chair. The SCA Chair, at the Chair's sole discretion, may allow legal representation where they judge the circumstances of the case to be exceptional.
- 3.8** The Student may choose to withdraw the appeal at any stage in the process by notifying the University Registrar.
- 3.9** An appeal may result in a higher, equal or lower disciplinary decision or grade.

## **4. CONSIDERATIONS**

- 4.1 The SCA Chair and the SCA each have the discretion to vary these procedural guidelines and time limits based on individual circumstances.
- 4.2 Evaluation of a Student's academic performance for continued enrolment is done prior to the completion of a grade appeal process, if the grade in question is pertinent to the said evaluation.
- 4.3 An appeal may result in a higher, equal or lower disciplinary decision or grade. The final recourse for all appeals is the SCA.
- 4.4 Communication and responses sent to the Student's UNBC email address provided on the appeal letter are deemed delivered to the Student unless the Student has provided the University Registrar written notice of a change in email address or that they wish to receive communication and responses via delivery to their home address.
- 4.5 SCA's decision is delivered to the Student and persons within the University who need to receive a copy of the decision for administrative purposes, including, but not limited to, the decision maker, University Registrar, Instructor, Academic Supervisor, Supervisory Committee, Program Chair, Director, Associate Dean, or Dean.

## 5. PROCEDURES – INITIATION OF STUDENT APPEALS

### 5.1. Initiation of Academic Misconduct, Grade for Course in Progress, and Final Grade Appeals

- 5.1.1 Students may appeal the following:
  - i. discipline imposed in response to a finding of Academic Misconduct and is accepted by SCA if it meets the appeal criteria outlined in *section 8. of the Academic and Non-Academic Conduct Student Policy*;
  - ii. a grade for a course in progress or final grade for a course the Student believes is inaccurate;
  - iii. requirement to withdraw on academic grounds if the Student believes it was made unfairly or the process leading up to the decision was not followed.
- 5.1.2 The Student obtains an *Academic Appeal Form* from the Office of the Registrar and should complete *Statement of Matter Under Appeal and Proposed Resolution* on the *Academic Appeal Form*.
- 5.1.3 The Student meets with their course Instructor to discuss their concerns as outlined in the *Academic Appeal Form*. The instructor and Student complete the Informal Appeal to the Instructor section of the *Academic Appeals Form*.

- i. If the instructor and the Student agree on a resolution, the matter is considered informally resolved. The instructor submits the *Academic Appeal Form* that includes the agreed resolution to the Office of the Registrar; or
  - ii. If the matter cannot be resolved informally, the instructor returns the form to the Student.
- 5.1.4** The Student decides within seven (7) business days of their meeting with the instructor if they would like to move forward with a formal appeal.
- 5.1.5** If moving ahead with a formal appeal, the Student submits the *Academic Appeal Form* and a letter to the Program Chair, Director or Associate Dean clearly articulating the following: the decision being appealed; the reason(s) why the decision is considered to be unfair; and what decision would be considered fair and why it would be fair. Graduate students must also provide their Academic Supervisor a copy of the *Academic Appeal Form* and letter.
- 5.1.6** The Program Chair, Director or Associate Dean reviews the appeal and meets with the Student and Instructor to discuss the appeal. The Program Chair, Director or Associate Dean documents the conversation on the *Academic Appeal Form*.
- 5.1.7** If a resolution favourable to the Student is found within seven (7) business days, the Program Chair, Director or Associate Dean submits the *Academic Appeal Form* to the Office of the Registrar stating the resolution and includes any applicable forms, if this is the agreed resolution. For Graduate Students, their Academic Supervisor should also receive a copy of the completed form.
- 5.1.8** If no resolution favourable to the Student is reached within seven (7) business days, the Chair, Director or Associate Dean submits the *Academic Appeal Form* to the responsible Dean. For Graduate Students, their Academic Supervisor should also receive a copy of the completed form.
- 5.1.9** The Dean reviews the appeal package, meets with the Program Chair, Director or Associate Dean and documents the conversation.
- 5.1.10** If the Dean requires further information, they may contact the Student and/or the Instructor.
- 5.1.11** If no resolution acceptable to the Student is reached within seven (7) business days, the Dean submits the form to the Office of the Registrar to be placed in the Student's file. For Graduate Students, their Academic Supervisor should also receive a copy of the completed form.
- 5.1.12** The University Registrar writes to the Student informing them of the decision of the Dean and provides the Student with the options of

withdrawing the appeal or moving the appeal ahead to the Senate Committee on Student Appeals.

- 5.1.13** Within 15 business days of being informed of the Dean's decision, the Student must inform the University Registrar if they are moving ahead with a SCA appeal by writing a letter to the SCA through the University Registrar and requesting an appeal hearing. The letter must clearly articulate the decision being appealed, the reason(s) why the decision is considered to be unfair, what decision would be considered fair, and why it would be fair. The Student must also submit all relevant appeal documentation to the University Registrar.

## **5.2 Initiation of Academic Standards Requirement to Withdraw Appeal**

- 5.2.1** Students who have reason to believe their requirement to withdraw on academic grounds was made unfairly, or the process leading up to the decision was not followed, must first appeal to the responsible Dean in writing articulating the decision being appealed, the reason(s) why the decision is considered to be unfair, what decision would be considered fair, and why it would be fair.
- 5.2.2** If the Dean, in consultation with the President, agrees to rescind the requirement to withdraw, the Dean informs the Office of the Registrar and the Academic Supervisor (when applicable) and no further action by the Student is necessary.
- 5.2.3** If the Dean, in consultation with the President, does not agree to rescind the requirement to withdraw, the Student can appeal to SCA about a decision made regarding requirement to withdraw in writing if the appeal meets one or more of the following criteria:
- i. the Decision Maker incorrectly applied a University policy and, as a result, the decision was unfair;
  - ii. the Student has material evidence that was not reasonably available prior to the time of the decision under appeal, and knowledge of that evidence would probably have led to a different decision;
  - iii. during the process leading up to the imposition of discipline the Student did not know the substance of the complaint and was not given, at some point in the process, a reasonable opportunity to respond;
  - iv) the process was otherwise procedurally unfair.
- 5.2.4** The appeal letter and all relevant attachments, must be filed by the Student with the Office of the Registrar within 15 working days of the date of the decision being appealed.
- 5.2.5** The letter must contain the following:
- i. Student's name and student number;
  - ii. Student's address, telephone number and UNBC email address
  - iii. Information about the decision being appealed, including a summary of the circumstances surrounding the decision to impose discipline

- and the process leading up to the decision. If available, the Student must attach a copy of the written decision;
- iv. A summary of the ground(s) on which the appeal should advance. The grounds of an appeal must meet one or more of the criteria as outlined in section 5.2.3 of these procedures.
- v. the documentary evidence and/or witness statement(s) of the new evidence if the appeal alleges that there is material evidence that was not reasonably available prior to the decision; and
- vi. a brief statement of the remedy sought on appeal.

### **5.3 Initiation of Non-Academic Misconduct Appeal**

- 5.3.1** Students may appeal non-academic discipline under the *Academic and Non-Academic Conduct Student Policy* to the SCA if it meets the criteria outlined in section 8. of the Policy.
- 5.3.2** The Student must file a *Notice of Appeal* and all relevant attachments to the Office of the Registrar within 15 business days of the date of the decision being appealed.
- 5.3.3** The Notice of Appeal must contain the following:
  - i. the Student's name, UNBC student number, address, telephone number and UNBC email address;
  - ii. information about the decision being appealed, including a summary of the circumstances surrounding the decision to impose discipline and the process leading up to the decision. If available, the Student must attach a copy of the written decision;
  - iii. a summary of the ground(s) on which the appeal should advance. The grounds of an appeal must meet one or more of the criteria as outlined in section 8, of the *Academic and Non-Academic Conduct Student Policy*;
  - iv. the documentary evidence and/or witness statement(s) of the new evidence if the appeal alleges that there is material evidence that was not reasonably available prior to the decision;
  - v. a brief statement of the remedy sought on appeal.
- 5.3.4** A copy of the Notice of Appeal and attachment(s) are delivered to the Provost and Vice President, Academic, and the Chair of SCA requests the Record of the Investigation and the decision from the Office of the Provost and Vice President, Academic. The Record of the investigation and decision should include the following, where available:
  - i. the initial complaint;
  - ii. the Investigation Report prepared by the Provost and Vice President, Academic;
  - iii. any documents gathered by the Provost and Vice President, Academic during the Investigation;
  - iv. the submissions of the Student and Complainant provided to the Provost and Vice President, Academic; and
  - v. the decision.
- 5.3.5** Within seven (7) business days of the receipt of the Notice of Appeal, the Provost and Vice President, Academic submits a written response and the

Record of the Investigation to the appeal to SCA through the University Registrar. A copy of the response and Record of Investigation are sent to the Student.

- 5.3.6** If the Provost and Vice President, Academic raised any new issues the Student could not reasonably have anticipated, the Student may, within seven (7) business days of receipt of the Provost and Vice President, Academic's submissions, send the University Registrar a written reply. The University Registrar sends a copy of the reply to the Provost and Vice President, Academic.
- 5.3.7** If the Student would like to proceed with their appeal to SCA, the Student must notify the University Registrar in writing.

## **6. PROCEDURES – APPEAL TO THE SENATE COMMITTEE ON STUDENT APPEALS**

### **6.1 Preliminary Review**

SCA, in consultation with the University Registrar, reviews any forms, letters, Notice of Appeals, reports and other relevant documentation from the Student's file concerning the appeal and makes one of the following decisions based on the nature of the appeal.

#### **6.1.1 Academic Misconduct and Non-Academic Appeals**

- i. If the appeal meets the provisions outlined in section 8. of the *Academic and Non-Academic Conduct Student Policy*, SCA calls for an appeal hearing.
- ii. If the substance of the appeal does not fall under the *Academic and Non-Academic Conduct Student Policy*, the appeal is returned to the Student with a letter from the Chair of SCA explaining why the appeal does not meet appeal criteria.

#### **6.1.2 Grade for Course in Progress and Final Grade Appeals**

- i. If the substance of the appeal indicates the principles of Natural Justice or Procedural Fairness were not followed in the process leading up to the grade or in the grade appeal, SCA calls for an appeal hearing.
- ii. If the substance of the appeal does not fall under section 6.1.2 i., the appeal is returned to the Student with a letter from the Chair of SCA explaining why the appeal does not meet appeal criteria.

#### **6.1.3 Academic Standards Requirement to Withdraw Appeals**

- i. If the appeal meets one or more of the following criteria, SCA calls for an appeal hearing:
  - a. The principles of Natural Justice or Procedural Fairness were not followed in the process leading up to the requirement to withdraw decision;
  - b. Decisions were made in the investigation or adjudication process by persons who do not have the authority under the

- Undergraduate or Graduate Calendar or the University Act to make decisions with respect to requirement to withdraw;
    - c. Discipline imposed was excessive, or not consistent with University policy or practice.
  - ii. If the substance of the appeal does not fall under section 6.1.3 i., the appeal is returned to the Student with a letter from the Chair of SCA explaining why the appeal does not meet appeal criteria.

## **6.2 Academic Appeal Hearing**

- 6.2.1** The members of SCA, Student, Instructor, Academic Supervisor, Program Chair, Director, Associate Dean, Dean, Provost and Vice President, Academic or other decision makers involved in the decision-making process (es) are provided the complete Appeal Package and invited to the SCA Appeal Hearing.
- 6.2.2** SCA may request further submissions in writing or in person if necessary for their deliberations.
- 6.2.3** SCA deliberates in a closed meeting.
- 6.2.4** The decision of the majority of the SCA is the decision of the committee.
- 6.2.5** After considering an appeal, SCA makes one of the following decisions based on the nature of the appeal.
  - i. Academic Misconduct and Non-Academic Misconduct Appeals:
    - a. uphold the disciplinary decision; or
    - b. refer the matter back to the decision maker(s) for further consideration or for further investigation, and then further decision.
  - ii. Grade While Course is in Progress or Final Grade Appeals:
    - a. uphold the grade;
    - b. recommend to the Dean that a test, exam, or assignment be re-marked.
    - c. refer the matter back to the Instructor, Program Chair, Director, Associate Dean or Dean for further consideration.
  - iii. Academic Standards Requirement to Withdraw
    - a. uphold the requirement to withdraw decision;
    - b. refer the matter back to the Dean and President for further consideration or for further investigation, and then further decision.
- 6.2.6** The Chair of SCA issues the committee's decision to the Student in writing, with the reasons for the decision, normally within five business days of the conclusion of its deliberations.

## **7. PROCEDURAL AUTHORITY / EXECUTIVE OR ADMINISTRATIVE RESPONSIBILITIES**

These procedures are administered under the authority of the Provost and Vice President, Academic.