

TITLE: APPEALS: FORMAL

POLICY STATEMENT:

Red Deer College students have the right to appeal a decision or ruling which affects them as it pertains to Administrative, Academic, Academic Accommodation, Academic Misconduct and Non-Academic Misconduct decisions.

This policy is used when students disagree with and wish to appeal College decisions for which the informal resolution process has not been successful.

PURPOSE:

This policy defines the guidelines and procedures for the formal appeal process for students. It assures that the principles, as stated in this policy, are applied throughout the appeal, dispute, or misconduct procedures. Wherever possible, disputes are resolved at the informal level, minimizing the need for formal appeals.

SCOPE:

This policy relates to appeals of Administrative, Academic, Academic Accommodation, Academic Misconduct, and Non-Academic Misconduct decisions and applies to all members of the College community.

PRINCIPLES:

An atmosphere of freedom and respect, and appreciation for the basic rights and responsibilities of all members of the RDC community are essential conditions for a learning community.

Procedures and decisions at Red Deer College:

1. Are nondiscriminatory, respectful, dignified.
2. Are not unnecessarily intrusive.
3. Incorporate open, honest and timely communication.
4. Are made in a timely manner.
5. Provide appropriate confidentiality and privacy.
6. Provide appropriate access to education.
7. Ensure that all learners, faculty and staff are treated fairly.
8. Ensure that all participants have access to informed support regarding policies, procedures, rights and responsibilities.
9. Ensure that all participants are respected in their basic right to be heard, to present submissions on their behalf, to present verifiable evidence, to be heard by an impartial decision maker, and to receive a decision based on evidence.
10. Operate with clear written expectations for learner conduct and handling of complaints.
11. Ensure that all accreditation standards are met.

12. Ensure that a high standard of administration and instruction in all areas of educational programs and services is maintained and clearly stated in College practices and policies.
13. Alternate forms of communication are provided to participants who require such accommodation.

DEFINITIONS:

Academic decisions: Decisions usually made by the student's instructor in matters related to academic performance. These decisions include such academic matters as Academic Standing, Grades, Marks, and other related academic decisions.

Academic misconduct decisions: Disciplinary decisions made regarding the giving, taking, or presenting of information or material that unethically or dishonestly aids oneself or another on any work which, under normal circumstances, is to be considered in the determination of a grade or the compilation of academic requirements or the enhancement of that student's record or academic career. The two key areas of academic dishonesty are cheating and plagiarism.

Academic accommodation decisions: Decisions made regarding the delivery of services accessible to a person with a documented disability.

Administrative decisions: Decisions made and implemented to support the management and operation of services for students relating to exams, tuition and fees, refunds, and prior learning assessment.

Non-academic misconduct decisions: Decisions made by faculty or staff of the College concerning student behavior that has been deemed unsafe or disruptive that has interfered with the normal teaching, learning, or business processes at the College. This also includes damage to or theft of College assets such as facilities, electronic devices, the computer network, or electronic data; making false or frivolous allegations; disclosure of confidential information; and actions that place the College at potential legal risk.

Appeal Coordinator: Person that coordinates the flow of information and communication between Appellant, Respondent and Appeal Panel throughout the duration of the Appeal Process; normally the Executive Assistant to the Vice President Academic (VPA).

Appeal Hearing: The formal hearing at which the Appellant and Respondent present their case to the Appeal Panel. The Appellant and Respondent each have the right to have a support person at the hearing.

Appeal Package: All information presented to the Appeal Panel by the Appellant and Respondent.

Appeal Panel: An ad hoc panel of five (5) members chosen from an established Appeal Roster to hear the formal appeal. Quorum for the Appeal Panel consists of the Chair or Vice Chair, two (2) faculty members from the Roster, and two (2) student members from the Roster.

Appeal Roster: A list of potential appeal panel members from which the Appeal Panel is chosen. The Roster consists of four (4) students appointed by the Students' Association, four (4) faculty members appointed by the Faculty Association, an Appeal Panel Chair (administrator or faculty) appointed by the Vice-President Academic (VPA). The VPA will also appoint a Vice- Chair (administrator, faculty, student) from the established Roster. The Appeal

Roster is representative of different College programs. The term of office will normally be a minimum of one (1) year for students and two (2) years for faculty and administration. Faculty and administration endeavors to replace no more than half of their members in any given year.

Appellant: The student filing the appeal.

Conflict of Interest: A conflict of interest is a situation in which an individual has competing interests, responsibilities and/or loyalties.

Respondent: The faculty, staff or administrative member of RDC who is responding to the student appeal. Normally the Respondent is the person who made the decision or ruling being appealed.

Student Appeals Form: A form used for submitting a formal appeal; available from the Registrar's Office, the Students' Association, the Information Centre, and under "Forms Index" on The Loop. This form must be completed and submitted to the Registrar's Office within ten (10) working days of the conclusion of the informal resolution process.

Support Person: The role of the Support Person is to provide guidance, moral and emotional support to the Appellant or Respondent throughout the Appeal Process. The Support Person may attend any interviews and meetings the Appellant or Respondent has throughout the process, including the appeal hearing. The Support Person is normally a silent support for the Appellant or Respondent during the Appeal Hearing, but may assist in addressing the panel at the discretion of the Chair.

Witness: Person(s) who can provide first-hand evidence relevant to the issue being appealed. Witnesses are only present at the Appeal Hearing for the time that they are presenting information.

GUIDELINES:

1. Attempts at informal resolution precede formal appeal.
2. Should a student wish to pursue a formal appeal, the formal appeal process is clearly communicated to the student and a copy of this policy is made available to him/her.
3. A student wishing to formally appeal a decision may seek the support of the Students' Association or an appropriate third party for advice at any time throughout the formal appeal process.
4. Participants in the formal appeal process are expected to exclude themselves if there is a potential for conflict of interest. This includes staff, faculty, the support person and Appeal Panel members.
5. Timelines for resolution reflect student need and the nature of the decision being appealed.
6. Due to the timelines required to complete this process, the program completion requirements for the student may be extended under the authority of the Appeal Panel.
7. Any exception to the stated timelines must be approved by the Appeal Coordinator and Chair of the Appeal Panel where reasonable. The approved revised timelines must be communicated to all parties.

8. This policy supersedes any School procedures.
9. If a student claims harassment or discrimination during the appeal process, the matter will be immediately referred for resolution under the College Harassment and Discrimination Policy.
10. All parties are expected to respect the appropriate scope of confidentiality.
11. The information collected for the purpose of the Formal Appeal process is protected in accordance with the Freedom of Information and Protection of Privacy Act of Alberta.
12. The panel uses the evidence presented at the appeal hearing to come to a decision.
13. Alternate forms of communication are provided to participants who require such accommodation.

PROCEDURE:

1. If a student wishes to continue the appeal process following receipt of the written outcome of the informal resolution process, he or she completes a "Student Appeals Form" and submits the completed form to the Registrar's Office within ten (10) working days of the conclusion of the informal resolution process.
2. Once the form has been submitted to the Registrar's Office, the Registrar notifies the Appeal Coordinator of the appeal by forwarding the completed Student Appeals form to the Appeal Coordinator on the day it is received.
3. Within two (2) working days of receiving the completed Appeal form, the Appeal Coordinator:
 - 3.1. Starts an appeal file consisting of the completed Student Appeal Form. Other information regarding the appeal submitted by both Appellant and Respondent will be added to the file throughout the appeal process.
 - 3.2. Advises the Respondent of the appeal; and advises the Appellant, the Respondent and the Registrar's Office of information to be gathered and submitted for the appeal package and ensures the collection of that information.
 - 3.3. Notifies the Chair of the Appeal Panel.
 - 3.4. Finalizes the date, time, and location of the hearing and communicates the final details to all parties.
 - 3.5. Advises the Appellant and Respondent of the timelines in which the completed appeal packages must be submitted to the Appeal Coordinator prior to the appeal hearing. Normally, the appeal package from the Appellant is shared with the Respondent in advance of the Respondent's submission.
4. The Appeal Coordinator ensures that information received from the Appellant and Respondent is shared with the Appellant, the Respondent, and all members of the Appeal Panel prior to the appeal hearing.
5. The Appeal Coordinator determines the members of the Panel from the established Roster.

6. The Appellant and/or Respondent may bring witnesses to the appeal hearing. The names of witnesses and an outline of what they are speaking about must be provided as part of the Appeal Package that is submitted to the Appeal Coordinator. **Witnesses are only present at the Appeal Hearing for the time that they are presenting information.** A written statement from a witness may be provided to the Appeal Coordinator if that witness is unable to attend the hearing.
7. The Appeal Panel reserves the right, on a case by case basis, to proceed in the absence of the Appellant and/or Respondent on the basis of the Appellant's and/or Respondent's written submission in the Appeal Package.
8. In the case of a group appeal, the Appeal Panel normally provides the opportunity for a single spokesperson to speak for the group; however, the Panel may interview other members of the group at its discretion.
9. The appeal hearing is normally held within ten (10) working days of the initial submission of the completed Student Appeals form unless an exception is granted by the Appeal Coordinator and Chair of the Appeal Panel.
10. Only Appeal Panel members are present during deliberations and/or voting on the decision. Decisions are based upon the information presented, and are usually made by consensus, or, if necessary, by a majority vote of all members of the Appeal Panel.
11. The decision of the Appeal Panel is final and binding on all parties and is communicated in writing to both parties within two (2) working days of the decision. In extraordinary circumstances, the Appeal Panel may extend the decision timeline to consider additional information.
12. The Student Appeal File, including all documentation relating to the Appeal, remains with and is the responsibility of the Appeal Coordinator until the Formal Appeal process is completed. The Appellant, Respondent, and only those others who need to know, as determined by the Appeal Chair and/or Coordinator, are informed of the final decision.
13. The official record of the written final decision is placed in the student's file in the Registrar's office.
14. The information contained in the Appeal Package is retained in accordance with Red Deer College's Information Management policies, procedures and guidelines.
15. Upon conclusion of the Formal Appeal process:
 - 15.1. The Appeal Coordinator submits the original information collected for the Appeal Package to the Registrar's Office.
 - 15.2. The Appellant retains the information provided in the Appeal Package.
 - 15.3. The Appeal Coordinator collects and destroys all copies of the information from the Appeal Package from the Respondent and Appeal Panel.
 - 15.4. The Student Appeal File, including all documentation relating to the Appeal, remains with and is the responsibility of the Appeal Coordinator until the Formal Appeal process is completed. The Appellant, Respondent, and only those others who need to know, as determined by the Appeal Chair and/or Coordinator, are informed of the final decision.

OFFICER RESPONSIBLE: Chair of Academic Council

RECOMMENDING AUTHORITY: Academic Council

CONSULTATION FOR REVIEW: Students, Director of Student Services, Registrar, Deans' Council, Service Council, Academic Council, Faculty, Academic Policy Committee

POLICY REVIEW DATE: January 2016

EFFECTIVE DATE: July 1, 2015

REVISION HISTORY:

- July 1, 2004 (Student Dispute, Appeal and Misconduct Process Policy and Standard Practice)
- January 1, 2005
- March 1, 2011 (Student Dispute, Appeal and Misconduct Process Policy and Student Dispute, Appeal and Misconduct Standard Practice rescinded and replaced with Student Misconduct: Academic and Non-academic; Appeals: Informal Resolution; Appeals: Formal)
- July 1, 2015

RELATED POLICIES:

- Academic Accommodations for Students with Disabilities
- Academic Freedom
- Academic Standing
- Access to Student Academic Records/Files
- Admission of Students to Credit Programs
- Appeals: Informal Resolution
- Course Add, Drop and Withdrawal
- Course Outline
- Facility Booking and Rental
- Freedom of Information and Protection of Privacy
- Grading
- Graduation, Certification, and Completion
- Personal Harassment and Discrimination
- Reporting Fraudulent or Unethical Conduct in the Workplace and Protection of Informants
- Residence Appeals Standard Practice
- Residence Discipline and Dishonesty Policy and Standard Practice
- Student Misconduct Academic and Non-academic

CONNECTION TO BOARD POLICIES:

All RDC policies support relevant Board of Governors policies.