



Student Appeal Procedure	
Parent Policy: Student Appeals Policy	
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Procedure Owner: Academic Policy Committee	Effective Date: July 1, 2022
Procedure Administrator: Manager, Judicial and Academic Affairs	Review Period: 3 Years
Associated Documents Appeal Form	

PURPOSE

The purpose of this procedure is to outline the process of student appeals made to the Appeal Panel and to outline the authority of the Appeal Panel.

PROCEDURE

Initiating an Appeal

1. A student appellant has the right, at any time, to seek the support of the Students' Association during an appeal.
2. An appellant must submit an appeal application to the Manager, Judicial and Academic Affairs (MJAA) on or before the tenth (10th) business day after the appellant receives the written decision. The MJAA may appoint a delegate where appropriate.
3. An appeal application must be submitted electronically or in hard copy to the MJAA and will include the following:
 - a. a completed appeal form;
 - b. the appellant's ID number;
 - c. a copy of the decision being appealed;
 - d. a description of all of the grounds of appeal;
 - e. all evidence in support of the grounds of appeal, including all correspondence between the appellant and the decision-maker and all evidence that supports a claim that there is new information and the reasons why the appellant was unable to provide the information at the time the original decision was made;

- f. the outcome the appellant is requesting from the appeal process, including reference to any Polytechnic documentation that supports the requested outcome;
 - g. a description of the impact the original decision has or may have on the appellant (e.g., financial, immigration status);
 - h. details about the supports required to enable an Indigenous approach to the hearing or any early resolution meetings; and
 - i. whether the appellant will require assistance or accommodations during a hearing or any early resolution meetings.
4. The MJAA may decide to extend the deadline referred to in section 2 if a written request for an extension is made by the appellant in writing to the MJAA before the expiration of the deadline. The request for an extension must contain the following:
 - a. the reasons for the request;
 - b. the length of the time extension requested; and
 - c. a copy of the decision that is being appealed.
 5. While advice cannot be provided about the merits of an individual appeal, appellants may ask questions about the appeal applications process at any stage of the process by calling the Manager, Judicial and Academic Affairs at (403) 343-4066.

Initial Review

1. The MJAA will acknowledge receipt of the appellant's appeal application within two (2) business days of receipt of the application. The MJAA will provide the appellant with a link to or a copy of the Student Appeals Policy and Procedure, and a list of on-campus supports and resources.
2. The MJAA will notify the respondent of the appeal, provide a link to or a copy of the Student Appeals Policy and Procedure, and a list of on-campus supports and resources, and advise of next steps.
3. The MJAA has the authority to deny an appellant permission to appeal where the MJAA determines the following:
 - a. the individual making the appeal is not an appellant;
 - b. the appellant has not yet exhausted the decision making or reappraisal processes of the relevant School or Division, as appropriate;
 - c. the appeal does not follow the requirements of the Student Appeals Policy;
 - d. the Appeal Panel does not have the authority to decide the appeal;
 - e. the grounds of appeal do not fall within the grounds allowed under the Student Appeals Policy, are clearly without merit, or do not otherwise justify an appeal hearing;
 - f. the relevant new information included in the appeal could have reasonably been presented earlier;
 - g. the appeal is being brought solely due to the appellant's dissatisfaction with the decision or with a Polytechnic, School, or Division policy or procedure; or

- h. the outcome or remedy that the appellant is seeking must be requested through an alternate process.
4. The initial review will be completed, and a decision communicated within five (5) business days from the date the MJAA receives the appeal application.
5. The initial review may result in one of the following outcomes:
 - a. Dismissal: The evidence submitted by the appellant, even if accepted by the Appeal Panel as true, would not be sufficient to prove grounds for appeal on a balance of probabilities. In such case, the appeal is dismissed without a hearing or further consideration.
 - b. Hearing: There is some evidence of one or more grounds for appeal and the matter proceeds to an oral or written hearing.
6. The MJAA will communicate to the appellant in writing the rationale in deciding to dismiss an appeal. The MJAA will also inform the respondent of the outcome of the initial review in writing.
7. If an appeal is granted, the MJAA will communicate to the appellant and the respondent that a hearing will take place within the timeline referred to in section 4.
8. The appellant is responsible to establish that their evidence or position is more likely than not to be accurate (i.e., on a balance of probabilities).
9. The MJAA will inform the appellant and respondent of the timelines for providing to the MJAA documentation supporting their respective positions concerning the appeal. They will be informed about what documentation will be exchanged as between them and what will be provided to Appeal Panel members.
10. It is the responsibility of the appellant and respondent to provide to the MJAA their current contact information.
11. The MJAA shall notify the Office of the Registrar of the appeal of a final grade and the Office of the Registrar shall make a notation on the student's record about an ongoing appeal. The notification shall be removed from the student's record upon the Office of the Registrar's receipt of a copy of the decision of the Appeal Panel.
12. If the appeal is resolved before a hearing takes place, the appellant will withdraw the appeal by emailing the MJAA confirming the withdrawal.

Pre-Hearing Procedure

1. Within five (5) business days after the MJAA has informed the appellant and respondent of the decision to grant an appeal, the MJAA will initiate a conflict of interest review and convene an Appeal Panel.
2. The Appeal Panel will be composed of either three (3) or five (5) members depending on the nature of the appeal. The Appeal Panel will be composed of the Chair and an equal number of faculty members and students
3. Each member of the Appeal Panel will self-assess for any real or apparent conflict of interest and will declare such conflicts to the MJAA. Individuals who were involved in the original decision that is the subject of the appeal shall be excluded from appointment to the Appeal Panel for that appeal.

4. The MJAA shall advise the appellant and respondent of the names of the members of the Appeal Panel and ask them to identify any objections to the MJAA regarding the Appeal Panel and the specific reasons for the objection. An objection may only be made where it is claimed that an Appeal Panel member has a conflict of interest that may prevent a fair decision being made.
 - a. The appellant and respondent have two (2) business days from to submit a written objection and request that an Appeal Panel member be excluded from the Panel.
 - b. If the objection concerns the Chair, the MJAA will make the decision.
5. Hearings may proceed in writing, orally, or remotely via an online platform. The Chair may exercise their discretion to call a written or oral hearing.
6. Oral hearings may be warranted in cases where documentary evidence needs further information or clarification, where findings of credibility are necessary, or for matters involving serious consequences.
7. The MJAA shall finalize the date, time, and location of an oral or virtual hearing and advise the appellant, the respondent, and the Appeal Panel members of the details in writing. Instructions and protocols shall be provided whether the hearing will proceed in-person or virtually.
8. The MJAA shall prepare the appellant's appeal book (i.e., the appeal application and supporting documentation) and the respondent's appeal book (i.e., the documentation in support of their response to the appeal). Each party's appeal book shall be provided to the other party and the Appeal Panel members within ten (10) business days in advance of the hearing.
9. The appellant and the respondent may each include in their appeal books written statements from witnesses.

Appeal Procedure

1. The Appeal Panel shall convene to hear the appeal as soon as is practicable, but not later than thirty (30) business days from the submission of the appeal application. Any exception to the stated timelines shall be the decision of the Chair. All parties involved in the process shall be notified of any exceptions to the stated timelines.
2. If either the appellant or the respondent does not attend the hearing, the Appeal Panel has the right to proceed with the hearing in their absence.
3. The appellant and the respondent may be accompanied by a support person, provided that a party choosing to be so accompanied identifies their support person to the MJAA no later than four (4) business days prior to the date of the hearing. If the notice is not provided, the Appeal Panel Chair may, but is not required to, grant permission for such person to accompany a party.
4. 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 Appeal Panel may question other members of the group at its discretion.
5. Hearings are not held in public.
6. There may be cases of high sensitivity or unforeseen circumstances in which the MJAA reserves the right to alter the appeal procedure.

7. Both the appellant and the respondent have an opportunity to present their cases and to respond to questions from the Appeal Panel members.
8. The Chair may grant the right to question some or all witnesses where, for example, facts that are important to the decision of the appeal are in dispute.
9. Neither the appellant nor the respondent shall communicate with the Appeal Panel without the knowledge and presence of the other party.
10. The Appeal Panel is not bound to observe strict legal procedures or rules of evidence but may, at their discretion, ask for further evidence or ask for witnesses to give evidence.
11. There shall be no recording of the hearing due to confidentiality.
12. The parties are expected to maintain confidentiality regarding the proceedings.
13. After the appellant and respondent have each presented their case, they may make brief closing statements to summarize their main points in favour of granting the appeal or dismissing the appeal. The Appeal Panel shall then deliberate in private.

Decision by the Appeal Panel

1. The Appeal Panel may
 - a. dismiss the appeal, meaning the original decision stands; or
 - b. allow the appeal and
 - i. overturn the original decision; or
 - ii. vary the original decision by substituting a different disciplinary action or remedy.
2. The Chair will communicate the Appeal Panel's decision within five (5) business days of the deliberations. The decision shall be in writing and will include the names of the panel members, a summary of the issues in the appeal, the Appeal Panel's decision and reasons in support of the decision.
3. Decisions of the Appeal Panel are final with no further appeal.

Time Limits

1. The time limits specified under this procedure may be extended by the Appeal Panel Chair if reasonable grounds are shown for the extension.
2. The Chair will communicate the reasons for extending the time limits to the appellant and the respondent.

Records, Confidentiality, and Reporting

1. Records relating to the appeal will be maintained as confidential records as required by applicable law, and the Polytechnic's records retention schedule.
2. The MJAA will only make appeal records available to those with a legitimate need for the information, and in accordance with any legal disclosure processes.

3. The MJAA shall provide a copy of the decision affecting the student's final grade or academic standing to the Office of the Registrar for the student's file.
4. Reports and statistics compiled by the MJAA will not include identifiable information about an individual.

DEFINITIONS

Appeal: an application to a higher authority to overturn or vary the original decision.

Appeal application: the application for appeal which includes the Appeal Form and all supporting documentation, submitted by an appellant.

Appeal Panel: a body of three to five Appeal Panel Roster members who are called as needed to hear appeals and render decisions.

Appeal Panel roster: a list of trained individuals who may be called upon to sit on the Appeal Panel including a Chair appointed by the Vice President Academic and Provost, faculty members appointed by the Faculty Association, and students appointed by the Students' Association. The Vice President Academic and Provost will also appoint a Vice Chair from the roster.

Appellant: a student who has submitted an appeal application.

Balance of probabilities: it is more likely to be true than not that something happened as alleged; "balance of probabilities" is not the same as "beyond a reasonable doubt" in criminal cases.

Business days: days that the Polytechnic is open for business, excluding weekends and holiday closures.

Conflict of interest: a perception, which a reasonably well-informed person could have, that the individual's ability to exercise their duties may have been affected by their private interests or activities.

Decision-maker: an Instructor, Associate Dean, Dean, Vice President, Appeal Panel Chair or Appeal Panel that decides the outcome in a complaint or appeals process.

Disciplinary action: the penalty, including a warning, suspension, or expulsion.

Final grade: may include a final exam, final project, final paper, or a combination thereof, ultimately involving the total distribution of grades in a course and the marks earned by a student.

Ground of appeal: the basis on which an appeal is being made.

Hearing: a written, oral or virtual process to review and decide an appeal. Both the appellant and respondent have an opportunity to present their respective cases and to respond to questions from members of the Appeal Panel.

Parties: the appellant and respondent.

Respondent: the person whose decision is being appealed.

Student: an individual who is registered in a course or program of study with the Polytechnic, whether for credit or not, at the time the subject matter of the decision under appeal occurred, or an individual who is no longer registered at the Polytechnic and is alleged to have committed misconduct while they were registered in a course or program of study at the Polytechnic.

Support person: a person who may provide personal, moral, and emotional support while accompanying the appellant or a respondent during meetings, interviews, or the appeal hearing.

Individuals who may be a support person include an Association or union representative, legal counsel, an elder, a traditional knowledge keeper, a peer, or a family member.

Witness: a person who gives evidence that is relevant to the grounds of appeal. A support person is not a witness.