

Student Appeals Policy	
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Associated Documents Student Appeal Procedure Appeal Form	

PURPOSE

The purpose of this policy is to identify the principles related to appeals of decisions and to establish a fair and efficient appeals process. This policy also outlines the rights and responsibilities of students and the responsibilities of Red Deer Polytechnic concerning an appeal.

Authority to establish this policy stems from the Red Deer Polytechnic Board of Governors' [Delegation to the President Policy](#), which authorizes the President to establish policies in accordance with the Board's [Treatment of Learners Policy](#).

SCOPE

This policy applies to student appeals of decisions regarding the following:

1. student academic misconduct;
2. student non-academic misconduct;
3. reappraisal of final grades (on grounds of bias or breach of procedural fairness);
4. harassment and discrimination;
5. gender-based violence, including sexual violence; and
6. accommodations for students with disabilities.

This policy does not apply to decisions related to the following:

1. admission to the Polytechnic;
2. admission to a program at the Polytechnic;
3. graded term work; and

4. Polytechnic Residence matters.

POLICY

General

1. The Polytechnic shall ensure there is an Appeal Panel roster established under this policy to conduct appeal hearings and determine the outcome of appeals.
2. The Polytechnic shall ensure the institution has appointed a dedicated office or employee responsible for the following:
 - a. receiving appeal applications;
 - b. determining whether there are grounds to believe that a procedural irregularity affected the original decision or whether there is new evidence;
 - c. engaging the parties in an early resolution process where appropriate; and
 - d. providing administrative and procedural support to the Appeal Panel.
3. The office or employee as referred to in section 2 shall not represent one party's interests over another's.
4. Procedures for student appeals shall be established under this policy.
5. Dissatisfaction with a decision within the scope of this policy or with a Polytechnic or School policy or procedure is not in itself a ground for appeal.
6. In some cases, the Appeal Panel may place any appeal made under this policy on hold pending the outcome of a proceeding independent of the Polytechnic appeal process.
7. In some cases, an appeal may be decided based on written submissions only, and without setting a hearing.
8. An appeal shall not be a re-hearing of the case.
9. Appeal Panel decisions are final.
10. Appeals will be confidential.

Grounds for Appeal

1. An appellant may make an appeal on one or more of the following grounds:
 - a. the decision is unfair due to a failure to consider all the evidence;
 - b. the severity of the disciplinary action is unfair or unreasonable;
 - c. the decision-maker was influenced by bias;
 - d. new information has become available that could not have been presented at the time the original decision was made, and that may have otherwise affected the original decision;
 - e. the proper process was not followed; or
 - f. the process was unfair or flawed.

Grounds for Appeal for Final Grade Decisions

1. Dissatisfaction with a final grade decision of the School in which the course is offered is not in itself a ground of appeal to the Appeal Panel.
2. An appellant may only appeal final grade decisions to the Appeal Panel on one or more of the following grounds:
 - a. the decision-maker was influenced by bias;
 - b. new information has become available that could not have been presented at the time the original decision was made and that may have otherwise affected the original decision;
 - c. the proper process was not followed; or
 - d. the process was unfair or flawed.

Procedural Fairness

1. Appellants and respondents have the right to be dealt with fairly in appeals in accordance with administrative law principles, including the following:
 - a. as a respondent, to be given written notice of an appeal of their decision, and be informed of the grounds of appeal to allow them the opportunity to prepare a response;
 - b. as an appellant or respondent, to be given the opportunity to present their case in writing and, where an in-person or virtual hearing is set, to the Appeal Panel;
 - c. as an appellant or respondent, to be heard by Appeal Panel members who are free from interest or bias in the decision to be made; and
 - d. as an appellant or respondent, to be given a written decision with reasons justifying the decision.
2. The appellant and the respondent may bring a support person with them at any time during the process.
3. All information provided to an Appeal Panel in advance of an in-person hearing by either party will be shared with both parties in advance.
4. The Appeal Panel shall review whether the original decision was made in accordance with procedural fairness and whether it falls within a range of reasonable outcomes.

Status During an Appeal

1. Depending on the nature of the decision being appealed, including the disciplinary action imposed, the implementation of the disciplinary action may be put on hold. An exception lies where the Manager, Security and Emergency Response has determined that there is a safety risk, or that remaining in any course causes a disruption to the learning environment.

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. The roster includes 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.

Bias: a lack of an open mind in decision-making, such as prejudgment of an issue, or an inclination in favour of one side or the other. This includes actual bias (e.g., holding a personal interest in the outcome of a decision), or a reasonable apprehension of bias. The test for the latter is whether a reasonably informed bystander could reasonably perceive that it is more likely than not that the decision-maker, whether consciously or unconsciously, would not decide fairly (adapted from *Committee for Justice and Liberty v. Canada (National Energy Board)*, [1978] 1 SCR 369 at 394).

Decision-maker: an Instructor, Associate Dean, Dean, Vice President, Appeal Panel Chair or the 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.

Graded term work: a term paper, essay, test, project, or midterm exam completed during a term.

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.

Procedural fairness: an appellant and a respondent are given an opportunity to be heard by an unbiased decision maker and to be informed of all the evidence considered by the decision-maker.

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.

Student academic misconduct: behaviour that undermines the ability to evaluate fairly a student's academic achievement, merit or standing. Academic misconduct includes behaviour that a student knew, or ought to have known, may gain for themselves or others unmerited academic advantage, acknowledgment, or benefit.

Student non-academic misconduct: conduct that endangers the health, safety, or property of others.

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/union representative, legal counsel, an elder, a traditional knowledge keeper, a peer, or a family member.

RELATED POLICIES

Accommodations for Students with Disabilities Policy
Harassment and Discrimination Policy
Non-Academic Misconduct Policy
Reappraisal of Final Grade Procedure
Reappraisal of Graded Term Work Procedure
Sexual Violence Policy
Student Academic Integrity and Academic Misconduct Policy
Student Rights and Responsibilities Policy