



## Procedures

Policy Name	<b>Academic Appeals</b>		
Policy #	<b>1210</b>	Category	<b>Student Services</b>
Policy Sponsor	<b>Associate Vice President, Student Services</b>	Previous Revision	<b>January 10, 2019</b>
Policy Approved by	<b>President &amp; CEO</b>	Revision Date	<b>July 9, 2020</b>
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See the related [POLICY](#).

### 1.0 PURPOSE

- 1.1 Saskatchewan Polytechnic is committed to providing students with access to a sound appeal process for challenging an academic decision in accordance with the specific grounds outlined in this document.

### 2.0 APPLICATION

- 2.1 In this document, a “student” is any person registered in a program or course offered at Saskatchewan Polytechnic. **Note:** *students from Saskatchewan (regional) colleges are subject to this policy.*
- 2.2 Academic appeals pertain to academic decisions made through the application of the following policies and their related procedures:
- 119 Evaluation of Student Learning
  - 712 Reasonable Accommodation
  - 1202 Academic Progress
  - 1208 Grading System and Student Promotion
  - 1211a Student Code of Conduct (Academic)
  - 1216 Student Excellence in Academic Achievement and Dean’s Honour List
- 2.3 Non-academic misconduct is reviewed through the Student Code of Conduct (Non-Academic) (#1211b), which has its own appeal process.

- 2.4 A Level 1 or Level 2 appeal is available only when at least one of the following grounds is alleged:
- A substantial procedural error has been made or a bias was present, pertaining to one of the related policies and their procedures named herein (section 2.2); or
  - New evidence is available that is likely to change the outcome; or
  - The sanction(s) imposed is disproportionate to or inconsistent with the nature of the offence.
- 2.5 Since the appeal process is an administrative process internal to Saskatchewan Polytechnic and not a legal process, legal representatives are not permitted at any stage of the appeal process.
- 2.6 Submitting an academic appeal form does not postpone the decision that is being appealed. However, where possible the appellant may participate in regular or modified classes or other academic activities during the appeal process, as determined by the Dean (or designate).
- 2.7 Unless determined otherwise by the Dean (or designate), students' grades are not withheld and may be entered during the course of the academic appeal process.

## 3.0 PROCESS

### 3.1 Level 1: School-level Academic Appeals

- 3.1.1 If a student is concerned with a sanction or decision related to the policies and their procedures listed in 2.2, he or she must first attempt an informal resolution process by discussing the concern with the original decision maker **within five (5) business days of the date on the original written decision.**
- 3.1.2 If a student is not satisfied with the outcome of the discussion and has grounds as per section 2.2, the student may submit a Level 1 School-level Academic Appeal Form and any supporting documents to the Dean of the Academic School **within ten (10) business days of the date on the original written decision.**
- 3.1.3 The Dean (or designate) will review the appeal to determine if there are grounds. If the student does not have grounds as per section 2.2, the School-level appeal will be returned to the student, who will have one final opportunity to resubmit the appeal with appropriate grounds, **within the twelve (12) business days from the date of the original written decision.**
- 3.1.4 Once approval to receive the appeal has been granted, no changes may be made to the appeal documents and no additional materials may be submitted by the appellant.
- 3.1.5 The Dean (or designate) will review and discuss the School-level appeal with the appellant, and provide a written decision to uphold, change or overturn the original decision **within five (5) business days of receipt of the form.**

### 3.2 Level 2: Institute-Level Academic Appeals

- 3.2.1 If a student is concerned with the outcome of a Level 1 appeal and has grounds as per section 2.2, the student may submit a Level 2 Institute-Level Academic Appeal Form, any supporting documents, and payment for the appeal fee to the campus Enrolment Services office **within five (5) business days of the date on the Level 1 appeal written decision.**

- 3.2.2 The Registrar (or designate) will review the appeal to ensure that the grounds for the Level 2 appeal have been met. If the appeal request does not have grounds for a Level 2 appeal and hearing (section 2.2), it will be returned to the student, who will have one final opportunity to submit the appeal, **within seven (7) business days from the date of the Level 1 appeal written decision.**
- 3.2.3 Once the appeal has been submitted and is determined by the Registrar (or designate) to have grounds for a Level 2 Academic Appeal hearing, no changes may be made to the appeal documents and no additional materials may be submitted by the appellant beyond this point.
- 3.2.4 The Office of the Registrar notifies the appellant and the Level 1 decision-maker (or designate) that a Level 2 appeal has been filed and a hearing will be conducted, and a hearing date is confirmed.
- 3.2.5 The Level 1 decision-maker (or designate) must submit all written evidence to support the case, and the names of confirmed witnesses, **within three (3) days of the date of notification.**
- 3.2.6 The Office of the Registrar will convene a hearing **within ten (10) business days** from the date the Level 2 appeal has been reviewed by the Registrar. Every attempt will be made to adhere to this timeframe; however, various circumstances, involving the appellant, the Level 1 decision-maker (or designate), or appeal panel members may result in a short delay.
- 3.2.7 The decision of the appeal panel is final with no further right of appeal within Saskatchewan Polytechnic.
- 3.2.8 Both the appellant and the Level 1 decision-maker (or designate) may choose to bring witnesses to participate in the hearing. The number of witnesses supplied by each party will be no more than the number needed to confirm the relevant details of the case, as determined by the chair of the appeal panel.
- 3.2.9 The appellant and Level 1 decision-maker (or designate) are responsible to ensure the availability of their witnesses for the scheduled date, time, and location of the appeal hearing.
- 3.2.10 Witnesses are contacted by the Office of the Registrar, to confirm the date, time, and location of the hearing, once the appellant and Level 1 decision-maker (or designate) have ensured the witness availability and provided contact information.
- 3.2.11 Appeal panel members, the appellant, and the Level 1 decision-maker (or designate) will receive a written Notice of Appeal and copies of all written evidence submitted by the appellant and the Level 1 decision-maker (or designate), for review **at least one (1) day** in advance of the hearing date. All witnesses are identified in the written Notice of Appeal.
- 3.2.12 Witnesses appear in person at the hearing in order to provide a brief statement and answer questions posed by the appellant, Level 1 decision-maker (or designate), and appeal panel members. At the discretion of the chair, witnesses may be permitted to participate remotely to fulfil their role. Witnesses are **not** permitted to provide a written statement in lieu of in-person or remote participation.
- 3.2.13 Submitting a Level 2 academic appeal form does not postpone the decision that is being appealed. However, where permitted by the Dean (or designate), the student may participate in regular or modified classes or other academic activities during the appeal process.

### **3.3 Academic Conduct Appeal Committee and Appeal Panel**

3.3.1 The Office of the AVP, Student Services, maintains a roster of at least 12 individuals per campus on the committee and convenes a panel of three individuals from the committee, including a Dean or Associate Dean (who will act as chair); a staff or faculty member (who will act as school representative); and a current student identified by the Saskatchewan Polytechnic Students' Association (who will act as student representative). (The Saskatchewan Polytechnic Students' Association may provide a roster of up to 12 students to serve as the student representative.) No appeal panel member will be from the academic school where the appellant is enrolled nor have been involved in the original decision or the Level 1 appeal.

### **3.4 Appeal Hearing**

3.4.1 A confidential oral hearing will take place in front of the appeal panel. The Office of the Registrar (or designate) will coordinate and facilitate the appeal hearing, including the date, time, and location. Typically, the hearing will take place at the location of the Saskatchewan Polytechnic campus at which the student is enrolled. However, if necessary, the location of the hearing may be arranged to accommodate panel members.

3.4.2 The appeal panel reviews all documentation submitted by both the appellant and the Level 1 decision-maker (or designate), and may seek additional information from any other source, as deemed relevant.

3.4.3 The appellant bears the onus of proof, and a decision will be rendered based on a balance of probabilities. The appellant is entitled to procedural fairness that contains the following components:

- An appellant must know the information that led to the initial decision, and any allegations against them
- An appellant must be given an opportunity to correct or contradict any information or assertions made in support of the initial decision
- The appeal panel must make its decision without bias or reasonable apprehension of bias.

3.4.4 Witnesses called by either the appellant or Level 1 decision maker (or designate) will be invited individually to present their information and dismissed by the chair once they have been questioned as indicated below. Witnesses may be asked to return to answer any further questions.

3.4.5 The appellant may have one support person of his/her choosing in an advisory capacity present throughout the proceedings. The appellant may choose to contact a student advocate from the Saskatchewan Polytechnic Students' Association. The support person is not permitted to speak on behalf of the appellant or to address the panel.

3.4.6 Information presented at the hearing must relate directly to the appeal.

3.4.7 No monetary awards can be issued by the appeal panel.

3.4.8 Should a request be made and all parties agree (i.e., panel members, Level 1 decision-maker, appellant, and witnesses), an appeal hearing may be audio recorded; (this is not common practice). Upon written request, an appellant may review the audio recording and make appropriate arrangements for it to be transcribed on Saskatchewan Polytechnic property. Arrangements for a transcriber and all associated costs involved in the transcription will be the responsibility of the requesting individual.

- 3.4.9 The chair of the appeal panel may give directions throughout the appeal hearing for the purpose of maintaining order and procedure, including asking anyone in attendance to leave the hearing if any behaviour is deemed by the chair of the appeal panel to impede the process.
- 3.4.10 Any procedural issue that arises in the course of a hearing, including issues respecting adjournments and the terms of such adjournments, will be considered by the appeal panel, but the decision of the chair is final with respect to any procedural issues.
- 3.4.11 The appeal hearing follows the protocols of the Appeal Panel Guidelines.
- 3.4.12 After the hearing is completed, the appeal panel deliberates *in camera* and reaches a decision by majority vote. The panel may grant any remedy it sees fit, including upholding the decision and outcome; imposing a lesser outcome; or granting the resolution requested by the student.
- 3.4.13 The appeal panel has the power to reserve its decision for further consideration and will render a decision **within five (5) business days of the appeal hearing**.
- 3.4.14 The decision of the appeal panel, including rationale, will be written and signed by the chair. Copies are provided to the appellant, the Level 1 decision-maker (or designate), the appeal panel members, the Registrar and Administrative Assistant, and the campus Enrolment Services Manager who is responsible for the related school, its programs and students.
- 3.4.15 Confidential notes of the proceedings are taken by the Office of the Registrar (or designate), as well as panel members, for reference. Once the decision has been rendered the notes are destroyed.
- 3.4.16 The decision of the appeal panel will be final and binding on all parties with no further right of appeal within Saskatchewan Polytechnic.
- 3.4.17 Every attempt will be made to meet the timelines set out in this code; however, circumstances may cause a delay.

## 4.0 DEFINITIONS

**Appeal:** The process where a student challenges a decision in accordance with the specific grounds outlined in this document.

**Appellant:** A student who is appealing an original decision.

**Balance of probabilities:** The circumstance in question is more likely than not to have occurred.

**Level 1 Decision-Maker (or designate):** The individual who made the Level 1 decision on which the Level 2 appeal is based. The Level 1 decision-maker may designate appeal process duties to another individual.

**In camera:** Discussion that occurs in private.

**Informal resolution:** An approach to resolve issues without implementing the formal process.

**Onus of proof:** Responsibility to prove the case by balance of probabilities.

**Procedural error:** The misapplication of the applicable academic policies, (section 2.2), which includes but is not limited to a flawed investigative process.

**Sanction:** A decision or outcome issued to a student who is found responsible for a violation.

**Student Advocate:** A person who assists, advises and advocates on behalf of a student who is facing concerns that have a negative impact on his/her academic standing, or to aid in non-academic dispute resolution. The person is employed by Saskatchewan Polytechnic Students' Association.

**Support person:** The (one) person an appellant may choose to attend related meetings, including those related to investigation, the appeal process, and the hearing, whose sole purpose is to support the appellant. The support person is not permitted to speak on behalf of the student or directly address the panel. The support person may be a student advocate employed by the Saskatchewan Polytechnic Students' Association.

**Witness:** an individual who has evidence, involving personal or reported observations, to contribute to an appeal hearing. Witnesses may be staff, faculty, or students of Saskatchewan Polytechnic or its partners. Witnesses provide a brief statement in the hearing to attest to their experience and then answer questions posed by the appellant, Level 1 decision-maker (or designate), and appeal panel members.

## **5.0 RELATED POLICIES, PROCEDURES AND DOCUMENTS**

**119 Evaluation of Student Learning**

**712 Reasonable Accommodation**

**1202 Academic Progress**

**1208 Grading System and Student Promotion**

**1211a Student Code of Conduct (Academic)**

**1216 Student Excellence in Academic Achievement and Dean's Honour List**

**1211a Student Code of Conduct (Academic)**

**Appeal Panel Guidelines**