

Policy No. & Title: A128: STUDENT ACADEMIC APPEALS*Effective:* 2024-12-18*Next Review:* 2026-05-26*Policy Sponsor:* Senior Vice-President, Academic*Ref Cttee:* College Council*Approvals:* 2015-10-21/CC-15-02 (effective 2015-09-01); 2016-09-28/CC-16-01;
2021-05-26/CC-20-09 (effective 2021-09-01); 2024-12-18/CC-24-03

1. PURPOSE

The purpose of this policy is to establish guiding principles and procedures under which a student may initiate an appeal of an academic decision concerning the perception of unfair treatment towards the student. If an informal resolution or requested remedy in collaboration with the faculty member is not achieved, students have the option to submit an Appeal.

2. POLICY

The College acknowledges and supports a student's right to appeal academic decisions.

2.1. Scope

This policy applies to all students who wish to appeal an academic decision based on grounds described in Standard 2. This policy does not apply to appeals related to A130: Student Code of Conduct, A132: Student Fees, A136: Academic Integrity, or C207: Residence Operations.

2.2. Principles

- 2.2.1.** This policy focuses on collaborative resolution, process improvement and incorporates principles of procedural fairness, avoidance of actual or perceived bias or conflict of interest, and timely response.
- 2.2.2.** This policy is interpreted and applied in accordance with guidelines and directives on accessible education published by the Ontario Human Rights Commission.
- 2.2.3.** Requests for academic accommodations from students with disabilities and other protected groups will be meaningfully considered when they arise.
- 2.2.4.** The College acknowledges the confidential nature of the appeals process and only shares information regarding individual appeals with those necessary to support the process.

2.3. Administration

- 2.3.1.** The Senior Vice-President, Academic (the "Vice-President") establishes procedures as necessary to achieve the purpose of this policy.
- 2.3.2.** Associated addenda to this policy may be amended by authority of the Policy Sponsor.

3. REFERENCES

College Policies:

A101: Accommodation of Applicants and Students with Disabilities

A112: Course Grade System

A130: Student Code of Conduct

A132: Student Fees

A136: Academic Integrity

C207: Residence Operations

Statement of Rights and Responsibilities (endorsed by Fanshawe College and the Fanshawe Student Union)

4. ADDENDA

Standard 1: PROCEDURAL FAIRNESS

Standard 2: GROUNDS FOR APPEAL

Procedure A: STUDENT APPEAL PROCESS

Standard 3: APPEALS CHECKLIST

Policy No. & Title: A128: STUDENT APPEALS

Addendum: **Standard 1: PROCEDURAL FAIRNESS**

Issued by: Senior Vice-President, Academic

Effective: 2024-12-18

1. PURPOSE

The purpose of this document is to outline the principle of procedural fairness as applied in the student appeal process.

2. EXPLANATION

The term procedural fairness refers to the decision-making process that ensures that the student has a fair opportunity to make their case to a College decision-maker or Committee of Review.

Procedural fairness is supported by the following:

- The student knows the facts of the case including the evidence that underlies the issue in question.
- The student has a fair opportunity to correct or contradict the evidence and assertions of the College in the matter.
- Responding College officials make decisions without actual or perceived bias or conflict of interest.

The appeal process incorporates these concepts. For example, the process leading up to a hearing ensures that the student not only has notice of the hearing, but also has a good sense of the case and the matters on which they should focus when preparing their evidence and submissions.

Procedural fairness also requires the College to carry out decision-making in the following manner:

- College officials base decisions only on the evidence presented and that such evidence is provided to both parties.
- College officials do not base decisions on information that was not presented to the parties.
- College officials base decisions on reasonable inferences drawn from the evidence presented.
- In coming to a decision, College officials consider all of the evidence presented and the submissions of the parties.
- During the appeals process, students are allowed to proceed in their course/program unless notified by the Dean or Appeals Administrator.
- College officials provide reasons for a decision, including a summary of the evidence relied upon in reaching a decision.
- In accordance with this policy, College officials and/or the relevant academic manager rendering the decision will use their discretion to determine which information is necessary to share with other College employees.

- College officials should be free from bias when deciding Appeals. The College official that is responsible for the academic decision that is being appealed is not eligible to then hear the appeal of that decision. For example, if a College official issues a Penalty under A136: Academic Integrity or otherwise, then another academic manager without knowledge of the case will hear the appeal to maintain fairness.

With respect to the notion of “bias,” it is important that the appeal process includes a Committee of Review in which the decision-makers are free from both actual bias and the reasonable apprehension of bias. A reasonable apprehension of bias could arise, for example, where a Committee member has a direct or indirect interest in the outcome of the appeal, or where a Committee member has participated at an earlier stage in the decision that is now under appeal.

Policy No. & Title: A128: STUDENT APPEALS

Addendum: **Standard 2: GROUNDS FOR APPEAL**

Issued by: Senior Vice-President, Academic

Effective: 2024-12-18

1. PURPOSE

The purpose of this document is to list the grounds for an appeal.

2. DEFINITIONS

College business day: Any day of the week except Saturday, Sunday, a statutory holiday or a holiday defined in the Academic Calendar.

Grounds: The reasons that have led to a perception of unfair treatment and form the foundation of the student's argument in support of the appeal.

3. GROUNDS FOR APPEAL

The following list defines each of the four types of permitted grounds under this policy. Supporting evidence is usually in the form of documentation, electronic communication, witness testimony, media or other objects.

3.1. Merit of Work

A claim of erroneous assessment of a student's work or performance.

3.2. Procedural Error

A claim that a College policy, procedure or rule has been overlooked, misinterpreted or misapplied.

3.3. Medical, Legal or Compassionate Issue

A claim that an illness, medical or legal situation, or other extenuating and compelling circumstance, has affected timely completion of mandatory academic activity.

3.4. Any Other Unfair Treatment

A claim that a College decision or action was unfair, unjust, prejudiced, unreasonable, excessive or inconsistent.

-0-0-0-

Policy No. & Title: A128: STUDENT APPEALS

Addendum: **Procedure A: ACADEMIC APPEAL PROCEDURE**

Issued by: Senior Vice-President, Academic

Effective: 2024-12-18

1. PURPOSE

The purpose of this document is to detail how a student may appeal an academic decision.

2. GENERAL

The objective of this process is to achieve a fair and timely resolution of the issues raised.

Students may not proceed through the appeal procedure until each step is completed.

Appeals follow a logical progression. If the student and the academic administrator reach a mutually acceptable resolution, the appeal will not proceed to the next step.

3. APPEAL SUPPORT

Students are strongly encouraged to review the [Student Academic Appeals Guide and FAQ](#) and/or seek guidance from the Fanshawe Student Union regarding the issue itself or the appeal process. These actions may clarify issues and options for the student.

4. APPEAL STEPS

The student appeal procedure has four possible Steps. A student may not proceed to the next step until the preceding step is complete.

- Pre-Step: **Discuss and attempt to resolve** the issue/s with the person who made the decision. If this action is not possible (e.g. the professor is no longer employed by the College), the student will be required to provide rationale for non-completion.
- Step 1: **Appeal to the Associate Dean** responsible for the School that made the decision or took the action in question. This step involves joint problem solving, with discussion between the student and the Associate Dean focusing on issue clarification and exploration of solutions.
- Step 2: **Appeal to a Dean** (or similar official as designated by the College). This step is available only after completion of Step 1. The student presents a documented case with the objective of demonstrating that the issue of the appeal has resulted in unfair treatment. Documented cases must contain new supporting evidence in order to proceed. The College responds with a similar presentation. The Dean or similar official decides the merits of the case.
- Step 3: **Appeal to a Committee of Review**. This step is available only after completion of Step 2. It involves a formal hearing before a Committee of Review appointed by the Vice-President or delegate. The student and the Dean each present their case. The Committee decides the merits of the case. Prior to a Committee of Review hearing, the Appeals Administrator conducts a pre-hearing conference and may attempt mediation.

4.1. Onus

In presenting an appeal, the student has the onus (i.e., the responsibility) to present a logical and compelling case, based on documented evidence that demonstrates a lack of fairness and that has resulted in direct and significant adverse outcome for the student. In preparing for an appeal, and to meet this onus, the student needs to consider the following questions that establish the four main elements of an appeal case: **issue**, **grounds**, **evidence** and **remedy** sought.

In responding to an appeal, the College has the onus to present a compelling case to substantiate the fairness of the matters at issue and will consult with relevant parties as necessary.

4.2. Right to Dismiss

A student who initiates a Step 2 or Step 3 appeal must be prepared to present a substantive, complete and documented case that is consistent with this policy. Documented cases must contain new supporting evidence in order to proceed to Step 2 or Step 3. If a Step 2 or Step 3 case fails to meet these criteria, or is outside the prescribed time limits, the College reserves the right to dismiss the case.

To avoid dismissal of an appeal, a student who is unfamiliar with or uncomfortable with an appeal process is urged to consult with the Fanshawe Student Union for advice on appeal preparation and presentation.

4.3. New Relevant Information

Information that was not available earlier in the appeal process and that has a significant bearing on the issue in question, may be presented at any Step and will be considered.

4.4. Time Limits

An appeal may be initiated no later than seven College business days from the time the student becomes aware, or should have become aware, of the issue in question. Following initiation of an appeal, the process is subject to the time limits listed in Standard 3: Appeals Checklist.

The student is responsible for ensuring that the College has accurate contact information. If at any time during the process the College is unable to contact the student and the student has not contacted the College within the required time limit, the appeal is considered abandoned.

Where the decision-maker or Appeals Administrator deems that adherence to the prescribed time limit is detrimental to a fair process, the decision-maker or Appeals Administrator may authorize a variance from the prescribed time limit. In such cases, the Appeals Administrator ensures that deadlines for pre-hearings, hearings, and submission of documents are timely and do not unfairly affect the student's progression.

4.5. Committee of Review

The Committee of Review follows meetings and procedures described in TOR34: Committee of Review – Appeals.

4.5.1. *Decision Final*

The decision of the Committee of Review, and any resulting remedy set by the Vice-President, are final and binding under this policy. If an appeal is granted, the student is prohibited from again appealing the same incident.

4.6. Support Persons and Interpreters

The student or the College official responding to an appeal may seek assistance or support from, or be accompanied by, another person of their choice. Examples: a trusted friend, a member of the Student Union (see the [Student Union website](#)).

The role of the support person is to act as a resource and provide support and advice to the party. Except as provided in the next two paragraphs, the support person is not permitted to speak for or advocate on behalf of the party.

The support person may, during a Step 1, Step 2 or Step 3 meeting, request brief recesses to speak privately with the student. Such recesses are not permitted to unduly delay the meeting. The support person is permitted to openly coach the student during a Committee of Review hearing.

In cases where the student's support person is a member of the Fanshawe Student Union, the support person may, at the student's request, use up to ten minutes at the start of any Step meeting to make a presentation that sets the context of the appeal (*e.g.*, clarifies the primary issue, the grounds, the evidence, the remedy sought, and the primary reasons the student disagrees with any earlier findings). In exceptional circumstances (such as but not limited to conflict of interest, or direct appeal involvement), and at the discretion of the Appeals Administrator, if the Fanshawe Student Union is not the support person for the appellant, the appellant's chosen support person may use the ten minutes at the opening of the appeal that would have otherwise been provided to the Fanshawe Student Union. Note that the one-hour time limit for presentation of the student's case during Step 3 appeals remains in effect.

A support person is prohibited from acting in the capacity of a lawyer or paralegal while attending an appeal meeting.

Where appropriate, at the request of the student, an interpreter may also attend an appeal meeting.

When a support person or an interpreter will be attending an appeal Step meeting, the party must advise the decision-maker at Step 1 or 2, or the Appeals Administrator at Step 3, of the identity and contact information of such persons at least three College business days in advance of any meeting.

4.7. Accommodation

The College recognizes that there may be circumstances where a student's ability to proceed with an appeal may be compromised and requires accommodation by the College. The Appeals Administrator, Dean or decision-maker will grant an accommodation as appropriate.

4.8. Continuation in a Program or Course

Where a student initiates a Step 2 appeal concerning a grade or other academic decision affecting academic standing or progression, and that grade or decision would normally prevent progression to the next term of a program or enrolment in a course, the student may continue in all or portions of the program, or enrol in the subsequent course, unless notified by the Dean. The Dean may require the student's acceptance, in writing, of binding conditions regarding such a continuation. Permission to continue is not granted in the case of an appeal against termination.

During this continuation, normal program and course fees apply. In the event that the appeal is denied, and the student is not permitted to continue in the program or course, fees paid for the continuation are refunded.

4.9. Appeals Administrator

The Vice-President appoints administrators to act as Appeals Administrator and Alternate Appeals Administrator. Their roles include but are not limited to the following tasks:

- Administering the appeal process generally such as receiving and assessing appeal documentation, scheduling meetings, communicating with the parties, and guiding the Committees of Review through the appeals hearing process. The Appeals Administrator does not vote on Committee matters.
- Determining whether there are sufficient grounds for an appeal to proceed or whether another policy prevails.
- Training and support for College staff and FSU executive members involved in the process.
- Attempting resolution, where a mediated solution appears possible.

4.10. Reprisal or Retaliation

Reprisal or retaliation against any person arising from their participation in an appeal is prohibited. Substantiated incidents of reprisal or retaliation are subject to sanction.

-0-0-0-

Policy No. & Title: A128: STUDENT APPEALS

Addendum: **Standard 3: APPEALS CHECKLIST**

Issued by: Senior Vice-President, Academic

Effective: 2024-12-18

1. APPEAL STEP DETAILS (Required actions are preceded by a check box: ☐)

As described in Procedure A: Student Appeals, this section presents the appeals process as a useful checklist for students to follow. As certain steps during an appeal of an Academic Decision related to A136: Academic Integrity are slightly different, the processes are shown under the two columns of the “Action” section.

PRE-APPEAL STEPS

PARTY	ACTION	TIME LIMIT
Student	<input type="checkbox"/> Contact the professor or other person who made the Academic Decision and discuss a resolution. Students are strongly encouraged to review the Student Academic Appeals Guide and FAQ and/or seek guidance from the Fanshawe Student Union regarding the issue itself or the appeal process. These actions may clarify issues and options for the student.	As soon as they become aware of the Academic Decision.
Professor or Academic Decision-Maker	<input type="checkbox"/> Communicate with the student and clarify the Academic Decision. Consider the circumstances of the student. Reconsider the Academic Decision, if necessary.	As soon as possible.
Student	<input type="checkbox"/> Proceed immediately to Step 1: Appeal to the Associate Dean if unsuccessful in resolving the issue with the professor or Academic Decision-Maker.	As soon as possible.

STEP 1: APPEAL TO THE ASSOCIATE DEAN

PARTY	ACTION	TIME LIMIT
Student	<input type="checkbox"/> Establish Grounds for Appeal and gathers supporting documentation. <input type="checkbox"/> Submit a Step 1 <i>Notice of Appeal</i> * to the Office of the Registrar with supporting evidence attached. (* form available online from the Office of the Registrar) <input type="checkbox"/> Meet with the Associate Dean to clarify issues and explore solutions.	Submit Step 1 <i>Notice of Appeal</i> within 7 College business days from the time the student becomes aware, or should have become aware, of the issue in question.
Associate Dean	<input type="checkbox"/> Review <i>Notice of Appeal</i> from the Office of the Registrar including outcome of Pre-Step <input type="checkbox"/> Review the Appeal with the student by: <ul style="list-style-type: none"> Meeting with the student within seven College business days of receiving the <i>Notice of Appeal</i> from the Office of the Registrar. Reviewing documents and other relevant information. Deciding whether there is justification to grant the appeal. <input type="checkbox"/> Advise the student in writing of the decision, and, if applicable, implementing the decision. <input type="checkbox"/> Forward all documentation to the Office of the Registrar.	Provide Step 1 written decision within 7 College business days of meeting with the student.
Student	<input type="checkbox"/> If unsuccessful with the Step 1 Appeal, the Student may proceed immediately to Step 2: Appeal to a Dean. Only cases with new or contravening evidence or where issues of procedural fairness existed during the appeal process, may initiate a Step 2 appeal.	7 College Business Days

STEP 2: APPEAL TO A DEAN

PARTY	ACTION	TIME LIMIT
Student	<input type="checkbox"/> Submit a Step 2 <i>Notice of Appeal</i> to the Office of the Registrar along with a written submission including: <ul style="list-style-type: none"> • A statement of the issue and grounds of the appeal. • A summary of the new supporting evidence. <ul style="list-style-type: none"> ○ Only appeals containing new supporting evidence will be allowed to continue. • A statement of remedy sought. 	Submit Step 2 <i>Notice of Appeal</i> within 7 College business days of the receipt of the Associate Dean's Step 1 response, or end of the Step 1 response time limit.
Dean	<input type="checkbox"/> Record the date of receipt on the <i>Notice of Appeal</i> . <input type="checkbox"/> Notify the school if the student may not continue in the program/course. <input type="checkbox"/> Examine the student's submission. If incomplete, provide the student with a 3-day opportunity to complete. If not completed, the Dean may dismiss the appeal and so advise the parties. <input type="checkbox"/> Review the evidence available. <input type="checkbox"/> Meet with the student and others as appropriate. <input type="checkbox"/> Make a decision. <input type="checkbox"/> Provide the decision in writing with reasons to the student, the Associate Dean, and others as appropriate. <input type="checkbox"/> Complete a <i>Student Record Change Report</i> , if applicable. <input type="checkbox"/> Forward all documentation to the Office of the Registrar.	Provide written decision within 15 College business days from receipt of the Step 2 <i>Notice of Appeal</i> *.
Student	<input type="checkbox"/> If unsuccessful with the Step 2 Appeal, the Student may proceed immediately to Step 3: Appeal to the Committee of Review. Only cases with new or contravening evidence or where issues of procedural fairness existed during the appeal process, may initiate a Step 3 appeal.	7 College Business Days

** This time limit could be extended to accommodate extenuating circumstances at the discretion of the appropriate Dean; Senior Vice-President, Academic Services; or designate.*

STEP 3: APPEAL TO A COMMITTEE OF REVIEW
Important: See TOR34: Committee of Review - Appeals.

PARTY	ACTION	TIME LIMIT
Student	<input type="checkbox"/> Submit a Step 3 <i>Notice of Appeal</i> to the Office of the Registrar, along with a written submission including: <ul style="list-style-type: none"> • A statement of the issue and grounds of the appeal. • A witness list and summary of supporting evidence. • A statement of remedy sought. 	Submit Step 3 <i>Notice of Appeal</i> within 7 College business days of the receipt of the Dean's Step 2 response (or of the end of the time limit for the Dean's Step 2 response).
Appeals Admin.	<input type="checkbox"/> Record the date of receipt on the <i>Notice of Appeal</i> and supporting documentation. <input type="checkbox"/> Confirm that Step 2 was properly completed. <input type="checkbox"/> Examine the student's submission. If incomplete, provides the student with a 3-day opportunity to complete. If not completed, and in consultation with the applicable Vice-President, the Appeals Administrator may dismiss the appeal and so advise the parties. <input type="checkbox"/> Determine and notify the school and/or Dean of the decision of the Committee of Review of whether or not the student may continue in the program/course, pending the resolution of the appeal, if necessary. <input type="checkbox"/> Deliver a copy of the student's submission to the applicable Vice-President. <input type="checkbox"/> Appoint three Designates to form a Committee of Review, if so delegated by the applicable Vice-President. Otherwise, the applicable Vice-President appoints Designates. <input type="checkbox"/> Arrange and conduct a pre-hearing conference. Attempt to mediate a resolution, if an opportunity for mediation exists. <input type="checkbox"/> Arrange an appeal hearing. <input type="checkbox"/> Forward notice of the pre-hearing conference, notice of the appeal hearing, and a copy of this procedure to the student.	Complete appeal hearing within 25 College business days from receipt of the Step 3 <i>Notice of Appeal</i> .

STEP 3: APPEAL TO A COMMITTEE OF REVIEW Ctd.

Appeals Admin.	<input type="checkbox"/> Conduct a pre-hearing conference. <input type="checkbox"/> Deliver the students' submission to the Committee of Review.	No later than 5 College business days prior to the scheduled appeal hearing.
Appeals Admin.	<input type="checkbox"/> Conduct the hearing per Procedure B and acts as a resource to the Committee	As scheduled by the Appeals Administrator.
Chair Cttee of Review (<input type="checkbox"/> Assess the appeal based on the evidence provided leading to a binding decision and any associated recommendations. The administrative designate on the Committee of Review chairs the deliberations of the Committee. <input type="checkbox"/> Provide the binding decision and any associated recommendations to the Appeals Administrator in writing within three College business days of the Appeal. <input type="checkbox"/> Inform the student, the Associate Dean, the Dean, the Appeals Administrator and the Office of the Registrar in writing following the final decision by the Vice-President.	As scheduled by the Appeals Administrator.
Appeals Admin.	<input type="checkbox"/> Inform the applicable Vice-President of the Committee decision and recommendations. <input type="checkbox"/> Complete a Student Record Change Report, if applicable. <input type="checkbox"/> Forward all documentation to the Office of the Registrar.	Within 3 College business days following the hearing.
Vice-President	<input type="checkbox"/> Decide the appropriate remedy based on the recommendations of the Committee.	Within 3 College business days of receipt of the decision of the Committee of Review.

-0-0-0-