

9. APPEALS

Decisions made in academic situations are based on law, education regulations, college policy and administrative directives. Those decisions that are subject to appeal are stated as such and the process for appeal is outlined. Where the opportunity for appeal is not explicitly stated, no appeal is possible under these policies and procedures. Students, however, may reasonably request a review of records to check for and redress the effects of a possible clerical error.

Appeals are presented to an appeal panel, whose role is to formally decide upon a resolution to an appeal in accordance with the following procedures. All aspects of the adjudication process are strictly confidential. The panel will have access to all information available concerning the appeal and in accordance with the Freedom of Information and Protection of Privacy Act, 1990 (<https://www.ontario.ca/laws/statute/90f31>).

Decisions are based on information presented to the panel and are based on a “balance of probabilities.” The term “balance of probabilities” means that more likely than not, the evidence supports the allegation that a violation or action proscribed by this procedure has occurred. The term also applies in determination of individual responsibility and other judgments made on culpability with respect to an incident.

Appeal panels adhere to the principles of fairness. Some basic rules to ensure fairness include the following:

- **Adequate notice of the panel meeting**
Notice of the panel meeting must include the time and place of the hearing and all written statements available about the case, such as statements from both the faculty and student, the Registrar’s report and notice of witnesses. The Registrar can extend the time limits in this procedure after consulting with both the respondent and the complainant to ensure appropriate preparation time. In all cases, unless agreed upon by all parties, there will be a minimum of 2 works days’ notification of a panel meeting.
- **Opportunity to fully present the case**
Both parties have the opportunity to present their cases to fully disclose pertinent information. Questioning of witnesses is directed through the panel.
- **Reasons for decisions**
Reasons for decisions made by the panel are included in the panel’s final communication. A copy of the communication is sent to the student, the faculty and the dean for the student’s program area. A copy is also kept on the student’s record.

When it deems it necessary, the college may designate staff to act on behalf of persons or positions noted in this document. This is usually done to ensure reasonable timelines are followed in cases in which those college personnel identified are not available, or whose availability is constrained.

Note: Appeal decisions are final and binding.

9.1 Admission appeal

Applicants who have been refused admission to the college have the right to request an appeal if they believe that equal consideration with other applicants was not provided.

9.1.1 Process

Before an admission appeal can begin, applicants must contact the Office of the Registrar to request an explanation of the admission decision. This request must be in writing and must be submitted within 30 days of the admission decision. If applicants are not satisfied with the explanation, they may submit a request for a formal review of the admission decision to the Registrar. The request must be in writing and must be submitted within 30 days of the explanation, and must set out the following:

- the decision or issue being appealed;
- full details of the grounds on which the appeal is being made, including copies of all relevant documents; and
- the desired outcome of the appeal.

When the Registrar receives the written request for a formal review of the admission decision, the following steps are taken:

- The Registrar acknowledges receipt of the request in writing.
- The Registrar determines whether an admission appeal panel should be convened. If so, the Registrar selects three members (a student representative, a faculty member and a dean) to sit on the panel.
- The applicant is advised of the panel meeting date and time.
- The panel meets.
- The panel makes a recommendation to the Registrar, and the applicant is provided with the final decision, in writing.

9.2 Academic appeal

Students at Georgian College can appeal the following:

- A mark on an assignment, test, examination or practical experience.
- A final mark for a course or co-op work term.
- Missing or incorrect assessment information on a grade report and/or transcript.

Students cannot appeal a decision regarding whether or not a PLAR or exemption is available for an individual course, nor the method of challenge used, nor promotional status.

9.2.1 Process

Part 1: A student must discuss the reasons for the appeal with the faculty¹ within five working days of receiving the assessment they wish to appeal.

1. If the issue is resolved, the appropriate changes are made by the faculty.
2. If the issue remains unresolved, the student must discuss the appeal with the program co-ordinator within the next three working days.
3. The coordinator attempts to mediate a resolution by meeting with the faculty and student. If the issue is resolved, the appropriate changes are made by the faculty.
4. If the issue remains unresolved, the student must submit a written appeal to the office of the dean within three working days of the meeting with the co-ordinator.
5. The Dean or an Associate Dean or designate reviews the situation within three working days and determines the next step with the student, the faculty and the co-ordinator.

6. The Dean or designate either upholds the faculty's decision or suggest other options.

¹ In the case of a grade for a co-operative work placement, replace the faculty with the co-op consultant for the purpose of this process.

Part 2: If the student disagrees with the Dean's or Associate Dean's or designate's decision, the student must submit a written request within five days to the Office of the Registrar for a review by the College academic appeal panel (CAAP). This request must set out the following:

- The grade, decision or issue being appealed, including relevant dates and events or conduct that occurred.
- Full details of the grounds on which the appeal is being made, including copies of all relevant documents.
- The desired outcome of the appeal.

Once the above have been submitted, the Registrar will determine that a CAAP should be convened and communicate the determination to the student. If a CAAP is determined appropriate, the Registrar or an Associate Registrar or designate selects three members (a student, a faculty member and a dean/designate) from program areas other than the student's to form the CAAP. A Dean or Associate Dean chairs the panel. The Registrar or an Associate Registrar, or designate acts as a non-voting recording secretary for the panel.

The role of the panel is to formally decide upon a resolution to the appeal in accordance with this procedure. All aspects of the adjudication process are strictly confidential. The panel has access to all information available concerning the case, and in accordance with the Freedom of Information and Protection of Privacy Act, 1990 (<https://www.ontario.ca/laws/statute/90f31>). The panel fully reviews the facts and confers with the panel chair, who renders a decision in a free and unbiased manner. The process is as follows:

1. Before the panel meets, the Registrar or designate investigates the appeal situation, collects statements from the individuals involved, prepares a preliminary report for the panel and summarize the essential issues of the case.
2. The panel convenes within five working days of being selected. All members of the panel are involved in the hearing and the decision.
3. During the appeal hearing, the faculty and student may be accompanied by one support person each, as long as the support person is identified to the registrar or designate 24 hours prior to the meeting. Witnesses and other concerned individuals may be asked by the chair to provide information to the panel.
 - a. The faculty and student are responsible for arranging their own support persons and witnesses, and for informing them of the schedule and process to be followed. Support persons, witnesses and those directed by the panel are the only people allowed to attend the panel sessions, and only as necessary during the hearing.
4. The panel decides on an outcome to the issue, a resolution process and any penalties to be applied.
 - a. Decisions are based on information presented to the panel. Reasons for a decision must be based on the statements found during the academic appeal process. Decisions regarding the outcome of the case and any penalties should be reached by consensus whenever possible. The chair makes the final decision on behalf of the college if consensus is not reached.

5. The Dean in the student's area and the Registrar are responsible for ensuring that the panel's decisions are enforced.

6. The Registrar or designate communicates the decision of the panel to all parties within two working days of the decision.