

## 9. APPEALS

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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 restore the effects of a possible clerical error. All appeal decisions are final and binding.

When appeals are presented to an appeal panel, their 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 prohibited 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.

- If a College Academic Appeal Panel (CAAP) is determined to be appropriate, the Registrar/Associate Registrar selects three members (a member of GCSA, a faculty member and a Dean/Associate Dean) from academic areas other than the student’s to form the panel. A Dean/Associate Dean chairs the panel and both the faculty and the student attend to present their case. The Registrar/Associate Registrar acts as a non-voting recording secretary for the panel. The Office of the Registrar schedules a meeting with the panel and the student within five working days of receiving the AAF and supporting documents from the student. The role of the panel is to formally decide upon a resolution to the appeal in accordance with this procedure. 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:
- Before the panel meets, the Registrar/Associate Registrar 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.
- All members of the panel are involved in the hearing and the decision.
- 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/Associate Registrar 24 hours prior to the meeting. Witnesses and other concerned individuals may be asked by the chair to provide information to the panel.
- 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. Support persons present are not permitted to speak on behalf of the student, unless the chair allows it.
- The panel decides on an outcome to the issue, a resolution process and any penalties to be applied.
- 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.

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 two working day’s 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, the Program Coordinator and the Dean/Associate Dean of the student’s program area. A copy is also kept on the student’s record in the Office of the Registrar.

When it is deemed necessary, the College may designate a staff member 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.

## 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 five working 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. This request 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
- 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 within five working days
- The Registrar determines whether an appeal panel should be convened. If so, the Registrar selects three members (a student representative, a faculty member and a Dean/Associate 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 work-integrated learning term
- Missing or incorrect assessment information on a grade report and/or transcript
- A charge of academic misconduct

### 9.2.1 Process

Academic appeals follow a progression. If the issue is resolved, it will not proceed to the next step.

The process for academic appeal is outlined in the table below.

Step	Process	Owner	Resource
1	The student completes the Academic Appeals form (AAF) and the 250-word appeal statement. After completion, the student submits these documents to the faculty member and schedules a meeting with the faculty member to be held within three working days of receiving the grade being appealed. If an academic misconduct is being appealed, proceed to step 4.	Student	AAF, appeal statement, email
2	Faculty advises and consults with Program Coordinator.	Faculty	Phone/email/in-person

3	Faculty meets with student and records their decision and supporting comments on the AAF. If the issue is resolved, the appropriate changes are made, the faculty sends the AAF to the student and the Office of the Registrar via RORrecords@georgiancollege.ca. If the issue is not resolved, faculty returns the AAF to the student and the process continues to step 4.	Faculty	AAF, email
4	The student submits the AAF and the appeal statement to the Dean/Associate Dean within three working days of the student/faculty meeting. If an academic misconduct is being appealed, this submission is required within three working days of receiving the Academic Misconduct form signed by the Dean/Associate Dean.	Student	AAF, appeal statement, AMF, email/in-person
5	The Dean/Associate Dean reviews the AAF and supporting appeal statement and discusses them with the faculty member.	Dean/Associate Dean	AAF, appeal statement
6	The Dean/Associate Dean conducts a meeting with the student and faculty within three working days of receiving the AAF from the student. If an academic misconduct is being appealed, and no new evidence is presented it is at the Dean/Associate Dean's discretion to determine whether this meeting is required.	Dean/Associate Dean	AAF, appeal statement, in-person
7	The Dean/Associate Dean records their decision and supporting comments on the AAF and emails the form to the student with a copy to the Office of the Registrar, the Program Coordinator, and the faculty member. If the appeal is unresolved the Dean /Associate Dean advises the student of the next steps and timelines as per step 8 below.	Dean/Associate Dean	AAF, appeal statement, email
8	If the student wishes to continue the appeal, the student submits the AAF and relevant documents to the Office of the Registrar within three days of receiving it back from the Dean/Associate Dean.	Student	AAF, appeal statement, email

9	<p>The Office of the Registrar determines whether a panel is warranted. If no panel is warranted, the student is advised of a decision within five working days of submitting the AAF, the decision stands and no further action is taken. Notification is also provided to the Dean/Associate Dean, the Program Coordinator and the faculty.</p>	Office of the Registrar	All available evidence, email
10	<p>If a panel is warranted, it will be comprised of College representatives and faculty outside of the academic area in which the misconduct has occurred. The panel will meet within five days of receiving the AAF and supporting documents. Both the faculty and the student attend to present their case.</p>	Office of the Registrar	Phone/email/in-person
11	<p>The Office of the Registrar completes the AAF with the final panel results. A copy is provided to the student, panel participants, the Dean/Associate Dean, the Program Coordinator and the faculty member within three working days of the panel meeting.</p>	Office of the Registrar	AAF, AMF, supporting documents
12	<p>The Office of the Registrar makes the appropriate changes to the student record as needed.</p>	Office of the Registrar	Banner