



# **ACADEMIC DISPUTE RESOLUTION AND APPEAL PROCEDURE**

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Version: V3

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## **PROCEDURE STATEMENT:**

Conestoga recognizes that disputes regarding academic decisions may occur between members of its community. Conestoga has established procedures to deal with student disputes in an effective, timely, fair and impartial manner.

This procedure defines how students can appeal an academic decision.

## **SCOPE:**

This procedure applies to students, faculty, registrar/designate and academic team.

Timelines have been set out in order to provide expediency and transparency. Extensions may be granted in exceptional circumstances.

Students may dispute the following:

- a decision to deny evaluations through the portfolio or challenge process;
- an academic promotion decision such as discontinuance;
- a final grade, including a failed PLAR challenge;
- an evaluation worth 25% or greater in a course;
- a sanction assessed under the Student Rights and Responsibilities Policy
- a sanction assessed under the Academic Integrity Policy

## **DEFINITIONS:**

### **Academic Decision**

The status of a student's academic achievement within a program at a given period of time.

### **Academic Team**

Academic team includes heads of schools, program heads, program coordinators and faculty members who are responsible for the academic content.

**Faculty**

Faculty are person/s responsible for the teaching/learning process. This includes technologists who, under the direction of faculty, perform specific functions related to the academic process.

**Final Grade**

Final indicator of a student's performance in a course, as submitted by the faculty member(s).

**Prior Learning Assessment and Recognition (PLAR)**

The process of evaluating and recognizing prior learning of skills, knowledge or competencies that have been acquired through employment, education (informal), non-formal learning or other life experiences.

**School**

Conestoga is organized into a number of schools, e.g., School of Business and Hospitality.

**RESPONSIBILITIES:****Faculty**

- reply to and attempt to resolve student concerns regarding a dispute;
- participate in the inquiry conducted by the Chair or Executive Dean/Dean;
- if required, participate in the hearing conducted by the registrar/designate.

**Student**

- retain and provide relevant work that has been returned to them.

**Academic Team**

- participate in the process in accordance with the procedure;
- participate in the inquiry conducted by the registrar/designate in accordance with Step 4 of this procedure;
- discharge their respective responsibilities fairly and according to established time frames.

**Executive Dean/Dean**

- participate in the process in accordance with Step 3 of this procedure;
- discharge their respective responsibilities fairly and according to established time frames.

**Registrar/designate:**

- make Appeal Request Form available to students;
- discharge their respective responsibilities fairly and according to established time frames;
- facilitate orientation for members of the appeal panel;
- ensure that the policy and procedures are published;
- administer pre-hearing matters in accordance with the guidelines;
- act in an advisory role to students, faculty members, chairs, executive deans/deans and members of the appeal panel;
- direct the response of an appeal panel decision to the student and the appropriate Conestoga personnel.

**PROCEDURE ELABORATION:**

Please note, a student should begin the appeal process at step 4 if they were:

- Issued an academic decision by the Executive Dean/Dean of their program of discontinuance;
- assessed a penalty under the Student Rights and Responsibilities Policy; or
- unable to meet the deadline as noted in Step 1 due to a documented medical condition/incident.

**Step 1 – Faculty**

1. A student who is seeking a review of an academic decision is expected to discuss their concerns with the appropriate faculty member within five (5) working days of receipt of the grade or academic decision (i.e. the posting of the grade via the student portal or receipt of the official notice of a final grade/academic decision).
  - a. Unless an issue of liability, safety and/or behavior that interferes with the teaching/learning of others has been identified, the student may attend classes/labs/work experience and/or placements, pending conclusion of the process.
  - b. It is the student's responsibility to provide the faculty member with a well-documented statement in writing outlining the issues and the outcome they desire.
  - c. The faculty member will respond in writing to the student within five (5) working days of receipt of the concern.

## **Step 2 – Chair**

In the event that the student receives no reply from their faculty member within the time frame, or if the student wishes to pursue the request for a review after receiving a response from the faculty member, they must present the matter in writing to the Chair/designate of the program in which the course is offered within five (5) working days of the deadline for faculty response or within five (5) working days of receipt of the faculty member's response.

2. Upon consideration of the information provided by the student and the faculty member, the Chair/designate has the authority to determine a resolution in any of the following ways:
  - a. decide that the grade or academic decision will remain unchanged;
  - b. direct that a re-evaluation of the student's work be completed;
  - c. direct that the grade be changed to an 'I' (Incomplete) and that the student be allowed to complete specific items of work.

The decision must be communicated in writing to the student and the faculty member within five (5) working days.

## **Step 3 – Executive Dean/Dean**

3. Upon receipt of the outcome in Step 2, a student who believes the decision reached in Step 2 to be unfair and unreasonable may pursue their request for review by submitting a letter setting out the reason(s) why. All documentation provided and received by the student must be submitted with the appeal request to the Executive Dean/Dean of the student's program within five (5) working days of receipt of decision from Step 2.
  - a. The Executive Dean/Dean reviews the information provided by the student, the faculty member and the chair/designate, and informs the student in writing of the decision within five (5) days working days of receipt of the student's request.

## **Step 4 – Formal Appeal (Hearing)**

4. A student may request a formal appeal following Step 3:
  - a. following a discontinuance decision or a sanction assessed under the Academic Integrity/ Student Rights and Responsibilities Policies which was made by the Executive Dean/Dean of their program by submitting an Appeal Request Form within five (5) working days of receipt of the decision; or
  - b. if the student was unable to participate in the informal review process due to a documented medical condition/incident. This documentation must confirm a demonstrable, causal link between the student's condition and their inability to

participate in the informal review process. This type of request should be submitted within one year of the student's enrolment. (Refer Step 7)

5. Criteria for Step 4:
  - a. A substantial procedural error has been committed which has denied the student a fair review in the prior steps; or
  - b. New and significant evidence/information is available that was not available during the informal review process at no fault of the student; or
  - c. the penalty/decision imposed is perceived to be unreasonable and unduly harsh given the circumstances or the offence; or
  - d. Documented medical condition/incident is available to support student's request. (Refer to 7)
  
6. The student's submission of a request for a final appeal must include:
  - a. a letter setting out the reason(s) according to the criteria in 5.
  - b. All documentation provided and received by the student must be submitted with the appeal request.
    - i. No additional documentation will be accepted from the student after submission is made.
  
7. Student's appealing due to a documented medical condition/incident must submit:
  - a. A letter outlining their functional limitations as they reasonably relate to the student's inability to have participated in the informal review process.
  - b. Current medical documentation supporting the request
  - c. The submission will be reviewed by the Registrar, Director of Student Success and the Associate Vice President Student Affairs.
  - d. A decision will be communicated to the student by the Registrar.
  - e. If the student does not agree with the decision, they will have five working days to submit their appeal in writing to the Vice President Academic Administration/designate.
  
8. The registrar/designate reviews the request and, within ten (10) working days of receipt of the student's request, informs the student in writing whether or not the College intends to proceed with an appeal hearing. If denied, written reasons are to be given.
  
9. If at any point during the appeal process the student alleges that the basis for the appeal is harassment or discrimination, given the definition of prohibitive behaviours, the student will be advised that the matter should be pursued under the College's Protection of Human Rights policy.

10. Within fifteen (15) working days of notifying the student of the intent to proceed the Registrar/designate convenes an appeal hearing. The appeal is heard by a panel, chaired by the Registrar/designate, and composed of three persons outside of the student's program or school chosen by the Registrar/designate as follows:
  - a. a member of the academic team;
  - b. a faculty member or counsellor;
  - c. a student.No panel members will have been involved previously with the matter in question.
11. Submissions for the appeal hearing are provided by the Registrar/designate to all parties at least one (1) working day prior to the meeting. If the student desires an external adviser to attend the appeal hearing, the Registrar/designate must be notified at least three (3) working days prior to the meeting.
12. At the appeal hearing both the student and a representative of the program may present oral arguments in support of their respective positions. After the presentation of arguments, the panel meets privately to consider the facts and to render a decision.
13. The decision includes a written explanation of the reasons for the decision and is given to the Registrar/designate. The panel may make recommendations regarding changes to the academic policies and procedures of Conestoga/school/program/service.
14. Within five (5) working days the Registrar/designate communicates the decision in writing to the student, Executive Dean/Dean and/or Chair.
15. All documents used by the panel are delivered to the Registrar/designate.
16. Protection from Reprisals:

Conestoga prohibits reprisals or threats of reprisal against students who have raised matters of concern under this procedure. Individuals who violate these provisions shall be subject to discipline or other corrective action.

**The decision of the panel is final and binding.**

**REFERENCES:**

Academic Dispute Resolution and Appeal Policy  
Academic Integrity Policy  
Academic Integrity Procedure  
Appeal Request Form  
Student Rights and Responsibilities Policy  
Student Rights and Responsibilities Procedure

**REVISION LOG:**

July 17, 2007	Academic Forum
December 12, 2007	Academic Coordinating Committee
November 23, 2012	Policies and Procedures Committee
April 26, 2013	Policies and Procedures Committee
May 21, 2013	Academic Coordinating Committee
January 29, 2020	Academic Forum
February 7, 2020	Academic Coordinating Committee