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## STUDENT ACADEMIC APPEALS

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POLICY NUMBER	ED 4-0
REVIEW DATE	APRIL 2016
AUTHORITY	SENATE
PRIMARY CONTACT	REGISTRAR

### POLICY

Thompson Rivers University (TRU) recognizes that although most students experience no concerns regarding their education, some students occasionally experience problems with the interpretations of TRU policy or procedures by TRU staff. TRU encourages students and staff to resolve academic issues through discussion. When resolution is not reached, students may bring forward for formal review, matters that have not been resolved to their satisfaction. The formal review process concludes with a decision that is final and binding upon all parties. TRU recognizes the right of students to appeal:

- i. decisions on final grades (an appeal on a decision on a grade other than a final grade requires consent of the relevant Dean);
- ii. decisions on the application of Senate policies, procedures and regulations as they relate to student academic performance; and
- iii. perceived unethical conduct by TRU staff or other students.

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### REGULATIONS

#### I. OVERVIEW OF THE APPEAL PROCESS

1. In general, a student (the appellant) must complete the following steps to resolve an issue before they may initiate a formal appeal:
  - i. Attempt to resolve the issue with the person with whom the issue originated (the respondent);
  - ii. If the issue is not resolved, attempt to resolve the issue with the person at the next highest level of responsibility (normally a Department Chair for campus courses or the Director of Program Delivery for Open Learning courses);
  - iii. If still unresolved, attempt to resolve the issue with the Dean/Director Williams Lake;

- iv. If the issue remains unresolved, then the student may commence a formal appeal in accordance with the formal appeal procedures set out in this policy.
  - v. If you are choosing to initiate a formal appeal, you must follow the steps outlined on the Academic Appeals Form. Only completed forms will be processed.
2. Formal appeals must be submitted to the Manager, Student and Judicial Affairs in writing, together with the approved fee, within 30 days of the decision or action that is being appealed. The submissions must take the form of the fully completed Academic Appeal Form accompanied by a letter or e-mail which shall state the nature of the appeal and a suggested resolution. The appeal fee will be refunded if the appeal is upheld and will be forfeited if the appeal is denied.
  3. Once the Manager, Student and Judicial Affairs has determined that the required steps set out above in section I(1) and (2) of the Regulations above have been followed, he/she will request that a Hearing Panel be convened.
  4. A Hearing Panel is convened to hear the appeal. A decision is provided in writing by the Hearing Panel with the reason(s) for its decision which is binding on both parties.
  5. Within 14 days of receiving a Hearing Panel decision, either the appellant or respondent may make a final appeal of the process followed to the President. Grounds for such appeals shall be limited to failure to follow the process set out in this Policy and Regulations. Should the President find that the Hearing Panel did not follow the process set out in this Policy and Regulations, a new Hearing Panel with new membership will be convened to hear the student's appeal.

## II. MEMBERSHIP & ORGANIZATION

1. The Appeal Committee shall be composed of the following representatives:
  - i. one faculty member from each faculty or school, appointed by the Dean;
  - ii. one member of the OL faculty members from each area (where 'areas' are aligned with campus faculties or schools) of Open Learning, appointed by the Director, Program Delivery; and
  - iii. one student from each faculty or school as well as one student from each academic area of Open Learning, appointed by the Registrar's Office.

The principle of gender equity shall be observed as far as possible.

Membership on the Appeal Committee normally shall be for a period of two years.

2. The Hearing Panel shall consist of:
  - i. the Registrar or the Registrar's designate, who shall serve as non-voting Chair (except as outlined in section II(7) below);

- ii. two students, drawn at random by the Chair from the student membership of the Appeal Committee;
  - iii. two faculty members/OL faculty members, drawn at random by the Chair from the faculty/OL faculty members membership of the Appeal Committee.
3. No Appeal Committee member shall serve on a Hearing Panel if he or she is currently:
  - i. a student or faculty member/OL faculty member in the Department/area with which the appeal is concerned; or
  - ii. a faculty member/OL faculty member of the student whose appeal is to be heard; or
  - iii. may otherwise be perceived to be in conflict of interest, as determined by the Chair of the Hearing Panel in accordance with TRU policy.
4. For appeals involving Open Learning courses, at least one of the two faculty/OL faculty member positions and one of the two students on the Hearing Panel will be from the Open Learning Division. For appeals other than those involving Open Learning courses, at least one of the two faculty/OL faculty member positions and one of the two students on the Hearing Panel will not be from the Open Learning Division.
5. In the event that an insufficient number of Appeal Committee members are eligible to serve on a Hearing Panel, the Chair shall request that the Registrar's Office appoint additional faculty/OL faculty members from the instructional divisions or students; appointments to the Appeal Committee made by the Registrar's Office will last only until the appeal in question has been decided.
6. A Hearing Panel quorum shall consist of all five panel members.
7. Each panel member of the Hearing Panel, with the exception of the Chair, shall have one vote in rendering a decision. Decisions shall be by majority vote. Only in the event of a tie between the four voting members, may the Chair vote.

### **III. APPEAL COMMITTEE GUIDELINES**

1. The Hearing Panel shall decide impartially and fairly whether an appeal shall be upheld or denied.
2. Each appeal shall be considered independently and on only the evidence provided by the appellant and respondent.
3. At no time should the Hearing Panel deal with any matter outside the specific concerns set out in the request for appeal and the evidence provided at the Appeal Hearing.
4. In addressing the appellant's specific concern(s), the Hearing Panel may direct the parties to provide and produce additional material or witnesses directly related to the appeal.

5. Save in exceptional circumstances, the Hearing Panel will render its decision within fourteen working days of the appeal being heard by the Hearing Panel.

#### **IV. OPERATIONAL GUIDELINES**

1. Formal appeals must be submitted to the Manager, Student and Judicial Affairs in writing, together with the approved fee, within 30 days of the decision or action that is being appealed. The submissions must take the form of the fully completed Academic Appeal Form accompanied by a letter or e-mail which shall state the nature of the appeal and a suggested resolution. The appeal fee will be refunded if the appeal is upheld and will be forfeited if the appeal is denied.
2. Once the Manager, Student and Judicial Affairs has determined that the required steps set out above in section I(1) and (2) of the Regulations above have been followed, she/he will request that a Hearing Panel be convened.
3. The Hearing Panel Chair will schedule an Appeal Hearing, taking into account the availability of all people required to attend. The Appeal Hearing normally will be arranged within four weeks of the Manager, Student and Judicial Affairs receiving all documents. The Chair will assume responsibility for convening all meetings until the appeal has been concluded.
4. The appellant and respondent may bring witnesses to the Appeal Hearing. Participation of witnesses shall be limited to providing their evidence and responding to questions from the Hearing Panel. Witnesses may be present at the Hearing only when providing evidence or responding to questions from the Hearing Panel.
5. Each appellant or respondent may bring one support person to the Appeal Hearing. Support persons shall not participate in the appeal unless called on by the Chair to do so.
6. An Interpreter may be present at the request of the student, or the Office of the Student Affairs.
7. The five Hearing Panel members, the appellant and respondent must be present at the Appeal Hearing (presence at the hearing may be in the form of teleconference or other technology by which the person at a distance can hear every other person at the hearing and every other person at the hearing can hear the person at a distance).
8. The Appeal Hearing shall proceed as follows:
  - i. The Chair will introduce everyone present to each other and will then provide a brief summary of the purpose of the hearing and the process to be followed at the hearing;
  - ii. Presentation of the case by the appellant; the respondent may ask the appellant and/or any witnesses who provide evidence at the hearing questions with regard to the evidence they have provided at the completion of their evidence;

- iii. Presentation of information by the respondent; the appellant may ask the respondent and/or any witnesses who provide evidence at the hearing questions with regard to the evidence they have provided at the completion of their evidence;
  - iv. The Chair in his/her discretion may upon request by either party allow additional evidence to be provided or additional questions by either party of the other party or witnesses with regard to the evidence they provided;
  - v. Deliberations by the Hearing Panel and final decision; the Hearing Panel may reserve its decision.
9. Neither the appellant nor the respondent shall have the right to representation by legal counsel during Appeal Hearings. Provided that, in exceptional cases where there is a clear need for legal representation, the Chair in his/her sole discretion may allow legal representation at the hearing.
  10. The Hearing Panel Chair shall be responsible for keeping official records of Appeal proceedings. Only the Chair, in her/his sole discretion, shall be permitted to make audio or video recordings of Appeal proceedings.
  11. Following a decision by the Hearing Panel, the Chair shall notify the appellant and respondent in writing of the decision, including a rationale.
  12. The Registrar will retain a permanent appeal file, containing the official record of proceedings all referenced documents and a copy of the letter notifying the appellant and respondent of the Hearing Panel decision. Original documents will be returned to their respective owners.