

ADMINISTRATIVE OPERATING PROCEDURE: *Academic Appeals*

Procedure ID:	#2-219 Academic Appeal
Approved by Executive Leaders Team:	<i>Original: 2017</i>
Current Review Date:	November 2023
Effective Date:	November 2023
Next Review Date:	2026
Administrative Contact for Procedure Interpretation:	Associate Dean

Policy Statement

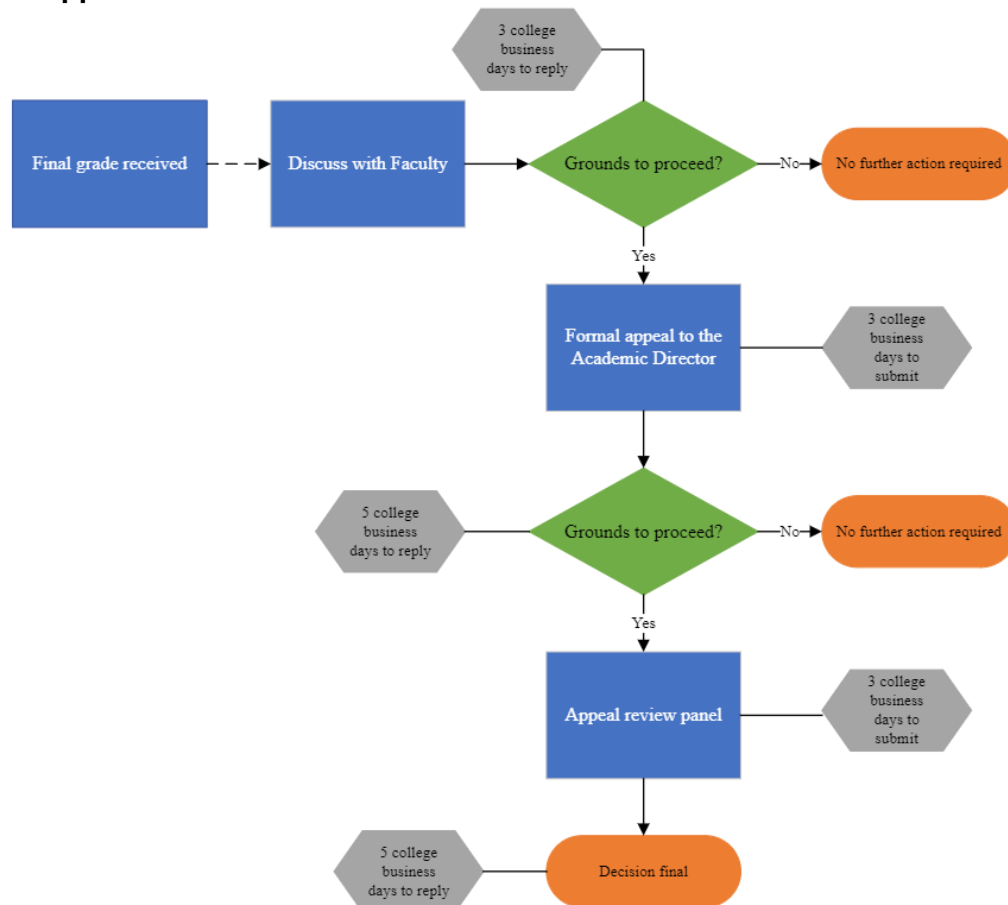
This academic procedure document supports Fleming College Toronto's Academic Appeals Policy #2-219.

Definitions/Acronyms

College Business Day: any day the College is open as indicated on the Academic calendar.

Procedure

1.0 Academic Appeals Process Schematic:



2.0 - Grounds for Appeal

Grounds are reasons that can be used to challenge an academic decision the student believes is not fair or accurate. The College will only consider the grounds for an appeal detailed in Appendix A. Students must submit relevant documents to support their request when they submit an appeal.

3.0 - Procedures

Fillable versions (PDF and Word) of appeal forms, included as appendices in the operating procedure, can be retrieved from Student Success.

3.1 Students and faculty are encouraged to meet throughout the semester, either individually or with a support person, to discuss different perspectives and insights on academic expectations and concerns. This restorative practice promotes opportunities to validate concerns, maximize teachable moments, ensure accountability, and allow personal growth. Documentation of these interactions is encouraged by both the student and faculty. Should the student decide to initiate a formal appeal beyond the faculty level, the documentation of these interactions would be presented during the appeal to Academic Director. Students are also encouraged to meet regularly with the academic advising team, who will assist them in navigating the processes to follow, accessing the relevant forms and so on.

3.2 There are three levels to the appeal process:

- a) Appeal to Faculty
- b) Formal Appeal to the Academic Director
- c) Formal Appeal to Panel

These levels are explored below:

3.3 - Appeal to Faculty

- a) Any student may appeal an academic decision by completing the required documentation and submitting it to the faculty as soon as possible but no more than ten (10) college business days after receiving the final grade in the course, as released by the Records & Retention Office, or upon receipt of a type III breach of academic integrity (which results in an immediate final grade of 0). The "Appeal to Faculty" form can be found in Appendix B.
- b) The Appeal to Faculty should address the specific academic decision the student is appealing and include a deep reflection on how they ended up in the situation. The student should also detail the learning they have gained from the experience while presenting evidence that they feel shows they have met the learning outcomes for the course. It is expected that the student has read the Academic Regulations, the Academic Appeals Policy, and this Academic Appeal Operating Procedures document.
- c) The faculty member will acknowledge receipt and, after a meeting either in person or via electronic means, or a phone conversation and an investigation with the information available, provide in writing their decision within three (3) college business days of receiving the appeal documentation from the student (refer to Appendix B).
- d) The faculty member may seek clarification from persons or parties listed in the Appeal to Faculty submission. Clarification is limited to confirming that the statements made are truthful and accurate and does not include obtaining further details about any such statements made within the appeal submission. All information provided will be in accordance with the Authorization for Release of Personal Information form (refer to Sections 4.1.1, 4.1.3, and 4.2.3; Appendices C, D, and E).
- e) In situations where a student has a concern regarding the grade assigned to a discrete assessment within a course, the student must discuss the grade with the faculty member

who assigned the grade. Distinct assessments cannot be formally appealed in isolation, but rather the discussions should be documented and can be included as part of the appeal with respect to a final grade.

- f) In the rare event that a faculty member is unavailable or not replying to a student's submission of an appeal, the appeal will automatically move forward to a Formal Appeal to the Academic Director after the faculty level timelines have passed.
- g) Where a faculty member knows he or she will not be available after the semester to hear appeals, the faculty member will appoint a designate to represent him or her should any appeals be presented.
- h) If resolution at the faculty-level cannot be reached, or the absence of the faculty member has resulted in the time limits lapsing, the student may pursue a Formal Appeal to the Academic Director by completing an "Appeal to Academic Director" form available in Appendix C.

3.4 - Appeal to Academic Director

- a) A student can initiate an Appeal to the Academic Director by completing the required documentation (refer to Appendix C) and submitting it to the Academic Advising Department within three (3) college business days of receiving the decision regarding the faculty-level appeal.
- b) Appeals regarding academic progression and program-initiated withdrawal should initiate at the Appeal to Academic Director, bypassing the Appeal to the Faculty level.
- c) The Academic Director or Designate will render a decision after investigating the situation with the stakeholders involved and reviewing all relevant materials.
- d) The Academic Director will render their decision within five (5) college business days of receiving the documentation from the student.
- e) The student(s), faculty member(s), Program Manager, and the Records and Retention Office will be notified in writing of the Academic Director's decision.
- f) If resolution at the Academic Director level cannot be reached, the student may pursue an Appeal Panel by completing an "Appeal Panel" form available from academic advising and shared here in Appendix D.

3.5 - Appeal Panel

- a) If the student perceives that the Formal Appeal Process was incomplete, the student can choose to initiate an Appeal Panel Review by completing the required documentation and submitting to the Office of the Academic Department within three (3) college business days of receiving the decision from the formal appeal level.
- b) The Associate Dean will investigate the *process* followed at the Appeal to Panel level with the stakeholders involved by calling upon a Panel who will render a decision after reviewing all relevant material.
- c) The Associate Dean will acknowledge receipt and provide notice of the Panel meeting. The Panel meeting will occur within five (5) college business days of receiving documentation from the student. The Associate Dean can extend the time limits in this procedure after consulting with all involved parties to ensure appropriate preparation time. In all cases, unless agreed upon by all parties, there will be a minimum of 48 hours' notice of the panel meeting. The Appeal Review Panel composition is outlined in Section 4.0 of this Procedures document and the panel meeting order of proceedings are outlined in Section

5.0 of this Procedures document.

- d) The student(s), faculty member(s), Program Manager, Academic Director or Designate, and the Retention & Records Office will be notified in writing of the results of the Appeal Review Panel by the Academic Director or Designate normally within five (5) college business days of receiving the submission from the student (refer to Appendix D).
- e) The decision of the Appeal Panel Review is final and binding and any relevant documentation will be provided to the Retention & Records Office for inclusion in the student's file.

4.0 Appeal Panels

4.1 - Purpose of the Appeal Panel

- a) The Appeal Panel will provide the student with a neutral forum to present an appeal of an academic decision. The Appeal Panel will review the academic decision being challenged by the student, the grounds the student is using for the appeal, and hear all evidence relevant to the case. The Associate Dean will investigate the student's academic history and determine what additional information is required.
- b) Academic history includes admission and enrolment history, any record of communication, student account history, and final grades. Use of Student Services includes but is not limited to, the use of Accessible Education Services, Career Services, Counselling, Health Services Housing, and the Tutoring/Learning Centre.
- c) Where students have listed counselling or health services in their appeal, they must complete the Authorization for Release of Personal Information form (refer Appendix E).

4.2 - Membership for each Appeal Panel will be composed of:

- The Associate Dean will serve as Chair of the Panel;
 - One Program Manager
 - One Faculty Member
 - One student representative
- a) Each Appeal Panel hearing must have in attendance a total of three (3) members, not including the Chair, who is a non-voting member. At least one member of the appeal panel will be a student, and at least one member will be a faculty member of the College.
 - b) The role of the Chair is to facilitate and guide the appeal hearing. The primary responsibilities of the Chair are to ensure that the proceedings are followed, the tone and discussion in the room respect the rights of all persons involved, and that panel members are fully informed of the various policies. The Chair, with input from the panel members, will also be responsible for determining and obtaining any additional information that is required to render an accurate and fair decision.

4.3 - Length of Term

- a) Membership on the Appeal Panel for academic administrators and faculty will be for one semester of operations, subject to renewal.
- b) Student membership will be for at least one semester, subject to renewal.

4.4 - Conflict of Interest: No member of an Appeal Panel is to have had any prior involvement with

the case. Any involvement will constitute a conflict of interest and must be declared to the Chair of the Appeal Panel as soon as possible but no less than five working days prior to a hearing. If, in the opinion of the Chair of the Appeal Panel, a conflict of interest is present, the member will be replaced.

4.5 - Secretarial Support: The Chair of the Appeal Panel is responsible for providing secretarial support.

4.6 – Functions: The Panel is to consider the application of various policies at the College, School, Department and Program levels and other factors that have an impact on the decision being appealed.

4.7 - Expert Resources: The Appeal Panel, through the Chair of the panel, may call upon expert resources prior to and during the panel hearing to help render a fair and accurate decision. Expert resources include, but are not limited to, counsellors, tutors, Learning Centre staff, program coordinators, the Retention & Records Office, and discipline experts.

4.8 – Outcomes

- a) The Appeal Panel, upon completion of its review, is authorized to uphold, modify, or reverse the academic decision being appealed.
- b) The decision of the Appeal Panel is final and binding.
- c) The Chair of the Appeal Panel hearing will communicate the decision and reasons behind the decision to the student.

5.0 - Panel Order of Proceedings

5.1 If a student pursues a formal appeal at the Appeal Panel level they will be heard by a panel. The order of proceedings for the Appeal Panel hearings will be as follows:

- a) A pre-appeal meeting will be held where the Chair and Panel members will review the procedure and any documentation presented by the student and faculty member.
- b) Introduction of attendees and opening remarks of the Chair of the Appeal Panel to explain the procedure. The Chair is to stress that all information presented at the appeal is to be kept confidential.
- c) The Chair will ask the student(s) and the faculty to present their evidence and any statements in the following order:
 - i. The student(s) will be invited to present their case.
 - ii. Panel members will be invited to ask questions of the student.
 - iii. The student will be asked if they have any additional questions or comments before being asked to leave the meeting room.
 - iv. The faculty will enter the meeting room and present their case if they have indicated they wish to do so in advance.
 - v. Panel members will be invited to ask questions of the faculty.
 - vi. The faculty will be asked if they have any additional questions or comments before being asked to leave the meeting room.
 - vii. Neutral, expert resource people, if any, will be called upon to present information relevant to the hearing.
 - viii. Panel members will be invited to ask questions and seek clarification of the expert resources as needed.
 - ix. Panel members will perform a post-presentation review and assess the appropriateness of the original grade or academic decision and determine the nature of any adjustment.
- d) The order can be amended with the agreement of the parties or by the Chair if they

determine that such amendment(s) will not prejudice the student or the faculty and will ensure the fair determination of the appeal hearing.

6.0 - Communication of Decisions to Students

Reasons for decisions made by the faculty, the Academic Director and the Appeal Panel will be included in the final report for each respective level. A copy of the report will be sent to the student and the Retention & Records Office, in addition, the faculty, program manager, and the Associate Dean may also receive a copy of the final report, depending on the level of appeal. A copy will remain in the student's file for one year after the student leaves Fleming College Toronto.

Related Documents

- College Policy # 2-219, Academic Appeals
- College Policy #2-201, Academic Regulations
- College Policy #5-506, Student Rights & Responsibilities
- College Policy #3-343, Sexual Assault and Sexual Violence
- College Policy #3-311, Harassment and Discrimination Prevention
- College Policy #3-341, Accessibility for Persons with Disabilities
- College Policy #2-210, Prior Learning Assessment and Recognition
- Freedom of Information and Protection of Privacy Act
- Personal Health Information Protection Act

Appendices

- Appendix A – Grounds for Academic Appeal
- Appendix B – Appeal to Faculty (form)
- Appendix C – Appeal to Academic Director (form)
- Appendix D – Appeal Panel (form)
- Appendix E – Authorization for Release of Personal Information (form)
- Fillable versions (pdf and Word) of the aforementioned appeal forms can be retrieved on request from the academic advising team (academicadvising@flemingcollegetoronto.ca).

History of Amendments and Reviews

Date	Activity
2017	Originally Approved
2023	Reviewed an updated

Appendix A: *Grounds for Academic Appeal*

Grounds	Explanation	Required Documents
Merit of Work	<ul style="list-style-type: none"> ▪ A breach of academic integrity ▪ An assessment that may have been unfairly or inaccurately graded ▪ Prior Learning Assessment & Recognition (PLAR) ▪ Academic progression 	<ul style="list-style-type: none"> ▪ Specific and detailed reasons, in writing, as to why the original grade was inaccurate or unfair ▪ Any documentary evidence from course notes, textbooks, work experience, etc. ▪ Samples of work from the course (tests, assignments etc.) ▪ Breach of academic integrity documentation ▪ Proof of proactive attempts to learn about academic integrity
Personal Bias / Unfair Treatment	<ul style="list-style-type: none"> ▪ Perceived unfair treatment of the student by a faculty member in comparison to the other students within the course. ▪ Program initiated withdrawal (i.e. due to probation suspension) ▪ <i>Please consult the College Policy #5-506, Student Rights & Responsibilities and/or the College Policy #3-311, Harassment and Discrimination Prevention if considering using this criteria</i> 	<ul style="list-style-type: none"> ▪ Written record of the events and explanation as to how this has affected the student's ability to succeed. ▪ Course outline or assignments if appropriate.
Extenuating Circumstances	<ul style="list-style-type: none"> ▪ Illness or medical conditions that affected a student's ability to succeed in a course of instruction which were not accommodated by the faculty. . ▪ Unforeseen event or circumstance that affected the student's ability to meet course requirements which the faculty did not accommodate. ▪ Employment commitments will not constitute grounds for academic consideration. 	<ul style="list-style-type: none"> ▪ Timely presentation of: <ul style="list-style-type: none"> ○ Medical certificate ○ Note with signature from a medical professional (including their contact details) ▪ If appropriate, could include: <ul style="list-style-type: none"> ○ Death certificate ○ Funeral arrangement ○ Travel arrangements ○ Letters from counsellors, therapists, or religious leaders
Course Management	<ul style="list-style-type: none"> ▪ Concerns about how a course is delivered or managed. This could include a significant departure from the course outline. 	<ul style="list-style-type: none"> ▪ Written record of where the departure occurred and explain how this has affected the student's ability to succeed. Include relevant course outline.

Appendix B: Appeal to Faculty Form

APPEAL TO FACULTY

This form is used for students opening an academic Appeal to Faculty. The student is responsible for initiating a meeting either in person or via electronic means, or phone conversation with the faculty member prior to submitting this documentation. This form must be submitted to the faculty member within ten (10) business days after the release of the final grade by the Retention & Records Office. The faculty member will respond within three (3) business days with their decision. Students are encouraged to consult the academic advising team for support.

STUDENT INFORMATION

Name		Student ID Number
Street Address	City	Postal Code
Phone Number	Email Address	

PROGRAM AND COURSE INFORMATION

Please complete the chart below with the program and/or course information that is relevant to your academic appeal.

Program	
Program Manager	
Course (include course code and name)	Section
Faculty Member's Name	Grade

ACADEMIC DECISION AND GROUNDS FOR APPEAL

Please place a checkmark beside the type of academic decision(s) you are seeking to appeal.

- Final mark in a course
- Prior Learning Assessment and Recognition (PLAR)
- Academic progression
- Withdrawal from program

Please place a checkmark beside all applicable reasons for the academic appeal (see Academic Appeal Operating Procedures, Appendix A for details).

- Merit of Work
- Personal Bias / Unfair Treatment
- Extenuating Circumstances
- Course Management

APPEAL STATEMENT

Please describe how your circumstances meet the grounds for an academic appeal.

- I have included a reflection on what I have learned from the situation and how I will apply this learning to my future professional career.
- I have presented evidence that I believe demonstrates my achievement of the learning outcomes of the course.
- I have read the Academic Regulations, the Academic Appeals Policy, and the Academic Appeals Operating Procedures document.

Please place a checkmark next to all that apply:

- I certify that the statements I have made in this Academic Appeal Application are true and complete.
- I have attached copies of relevant documentation to support my academic appeal.
- I acknowledge that the submission of false documents or statements is a violation of Fleming College's Academic Regulations and Student Rights and Responsibilities Policy.
- I have read Fleming College's Academic Appeals Policy and Procedures.
- I have reviewed the course outline.
- I am aware of my right to request and receive assistance concerning the academic appeals process.
- I understand that my academic appeal will be deemed to be abandoned if I do not follow the timeframes stipulated in the Academic Appeals Policy and Procedures.
- I understand that my request for an appeal hearing could be denied if I do not provide evidence to support my grounds for appeal.
- To the best of my knowledge, I have included everything in this appeal submission to help the Faculty make a fair and accurate decision.

DECLARATION AND AUTHORIZATION FOR RELEASE OF INFORMATION

By signing below, I acknowledge the statements made herein to be accurate, complete and truthful, and that the faculty member may seek clarification from any persons or parties listed in this appeal.

Student Signature	Date
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Personal information contained on this form is collected under *the Freedom of Information and Protection of Privacy Act*, and *the Personal Health Information Protection Act* and will be used to answer your request.

**FACULTY DECISION
(Faculty Use Only)**

Faculty Member's Name	
Date Appeal Received	Date, Time, and Method met with Student
Decision <input type="checkbox"/> Appeal is incomplete, resubmission required within level 1 timeframe <input type="checkbox"/> Denied <input type="checkbox"/> Granted <input type="checkbox"/> Granted, pending successful completion of listed requirements	

FACULTY DECISION RATIONALE

Please describe in detail the reasons for the above decision.

Please place a checkmark next to all that apply:

- I have reviewed all related supporting documentation from the student.
- I have sought clarification from persons or parties listed in the appeal.
Please list who was contacted:

- I have attached relevant supporting documentation for my decision rationale (e.g., timeline of events leading to the academic appeal; chronological summary of attempts to resolve the issue; relevant emails; course outline; graded assessments; assignment rubrics; other documents).
- I have had the student's work reassessed.
- I have made every effort to resolve the student's academic issue(s).

Faculty Signature	Date
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Personal information contained on this form is collected under *the Freedom of Information and Protection of Privacy Act*, and *the Personal Health Information Protection Act* and will be used to answer your request.

Appendix C: Appeal to Panel Form

APPEAL TO ACADEMIC DIRECTOR

This form is used for students pursuing an academic Appeal to the Academic Director. This form must be submitted to the Academic Advising Department within three (3) business days after receiving the Faculty decision. Once the submission is received, the Academic Director or Designate has five (5) business days to render the appeal decision.

APPEAL TO ACADEMIC DIRECTOR STATEMENT

Please describe how your circumstances meet the criteria for an academic Appeal to Academic Director.

- I have included reasons why I disagree with the Faculty level decision.
- I have presented new information and supporting documentation that was unavailable prior to this level of appeal.
- I have presented evidence that I believe demonstrates my achievement of the learning outcomes of the course.
- I have read the Academic Regulations, the Academic Appeals Policy, and the Academic Appeal Operating Procedures document.

Please place a checkmark next to all that apply:

- I certify that the statements I have made in this academic Appeal to Academic Director are true and complete.
- I have attached copies of the additional documentation to support my academic Appeal to Academic Director.
- I acknowledge that the submission of false documents or statements is a violation of Fleming College Toronto's Academic Regulations and Student Rights and Responsibilities Policy.
- I have included my original Appeal to Faculty submission, including all supporting documentation.
- I have included the Faculty's response to my original appeal.
- I understand that the Academic Director may conduct an investigation into my appeal, which may involve, but is not limited to, obtaining information from program faculty, counsellors, tutors, Learning Centre staff, and Records and Retention Office.

DECLARATION AND AUTHORIZATION FOR RELEASE OF INFORMATION

By signing below, I acknowledge the statements made herein to be accurate, complete and truthful, and that the Academic Director may conduct an in-depth investigation into my academic history, my use of student services, and seek further clarification from any persons or parties listed in both levels of this appeal.

Student Signature	Date
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Personal information contained on this form is collected under *the Freedom of Information and Protection of Privacy Act*, and *the Personal Health Information Protection Act* and will be used to answer your request.

Appendix D: *Appeal Panel Form*

APPEAL PANEL

This form is used for students pursuing an Appeal Panel. This form must be submitted to the Academic Advising Department Office within three (3) business days after receiving the Appeal to Academic Director decision. Once the submission is received, the Associate Dean will form the panel committee and communicate panel meeting date and time to the student and other participants. The Associate Dean, has five (5) business days after receipt of supporting materials to hold the panel meeting and render the panel's decision.

APPEAL PANEL STATEMENT

Please describe how your circumstances meet the criteria for an academic Appeal Panel.

- I have included reasons why I disagree with the Appeal to Academic Director level decision.
- I have presented information and supporting documentation that the process followed at the Appeal to Academic Director level was inaccurate or incomplete.
- I have presented evidence that I believe demonstrates my achievement of the learning outcomes of the course.
- I have read the Academic Regulations, the Academic Appeals Policy, and the Academic Appeal Operating Procedures document.

Please place a checkmark next to all that apply:

- I certify that the statements I have made in the documents submitted to this academic Appeal Panel are true and complete.
- I have attached copies of the additional documentation to support my academic Appeal Panel submission.
- I acknowledge that the submission of false documents or statements is a violation of Fleming College Toronto's Academic Regulations and Student Rights and Responsibilities Policy.
- I have included my original Appeal to Faculty submission including all supporting documentation.
- I have included the Faculty's response to my original appeal.
- I have included my Appeal to Academic Director submission including all supporting documentation.
- I have included the Appeal to Academic Director's response.
- I understand that the Appeal Panel may conduct an investigation into my appeal, which may involve, but is not limited to, obtaining information from program faculty, counsellors, tutors, Learning Centre staff, and the Retention & Records Office.

DECLARATION AND AUTHORIZATION FOR RELEASE OF INFORMATION

By signing below, I acknowledge the statements made herein to be accurate, complete and truthful, and that the Appeal Panel may conduct an in-depth investigation into my academic history, my use of student services, and seek further clarification from any persons or parties listed in all levels of this appeal.

Student Signature	Date
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Personal information contained on this form is collected under *the Freedom of Information and Protection of Privacy Act*, and *the Personal Health Information Protection Act* and will be used to answer your request.

Appendix E: *Authorization for Release of Personal Health Information*

AUTHORIZATION FOR RELEASE OF PERSONAL INFORMATION

Pursuant to the Personal Health Information Protection Act, 2004 (PHIPA), I hereby authorize the release of the personal information listed below to the individual and/or organization also listed below. The personal information authorized for release/collection on this form may not be further used/disclosed to anyone else without my explicit and written consent.

This authorization for release of personal information will remain in effect for the following period only:

From (Date):	To (Date):
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IDENTIFICATION OF PERSONAL INFORMATION TO BE RELEASED

Release Information To: Name: Phone: Email:	Release Information From: Name: ID#: Phone: Email:
<input type="checkbox"/> Release is for two-way communication between both parties listed above.	
Description of Personal Information to be Released and Purpose for Release:	

AUTHORIZATION

By my signature, I hereby consent to the release of my personal information in accordance with the specifications detailed on this consent form. I understand the purpose for disclosing this personal information to the person noted above. I understand that I can refuse to sign this consent form.

Student Name:	Date of Birth:
Student Signature:	Date:
Witness Signature:	Date:

Personal information contained on this form is collected under *the Freedom of Information and Protection of Privacy Act*, and *the Personal Health Information Protection Act* and will be used to answer your request. Questions about the collection, use, retention, or disclosure of the personal information listed above should be directed to the Retention and Records Office or Academic Advising