



Lambton College in Toronto
at Cestar College

T +1-416-485-2098
E lambton@cestarcollege.com
400-265 Yorkland Blvd
Toronto ON, M2J 1S5
lambtoncollege.ca/Toronto

Lambton College in Mississauga
at Queen's College

T +1-905-890-7833
E lambton@queenscollege.ca
121 Brunel Road
Mississauga ON, L4Z 3E9
lambtoncollege.ca/Mis

Appeal of an Academic Decision

Evaluation of student learning and competencies, and the grading of student performance are central to the teaching-learning process, and the basis for the progression of the student through and graduation from a program of study.

It is the right and responsibility of the College and instructors to exercise professional judgment and discretion in establishing the evaluation structure and instruments and evaluating student performance and progress. Concurrently, "Students have a right to be impartially graded and to appeal any evaluation or decision that affects their grades" and the instructor and the College have a responsibility to ensure that students are evaluated and graded within a structure and in a manner that is known to the student, transparent, objective, appropriate, fair and equitable.

It is the right and responsibility of the College and its instructors, staff and administrators to exercise their judgment and discretion in making decisions that affect or determine a student's experience in, progression through or graduation from a program of study. The College has a responsibility to ensure that those decisions, and the manner in which they are determined, are transparent, objective, appropriate, fair and equitable.

The College is committed to all students having a reasonable opportunity to have decisions regarding their learning, performance and progress reviewed in a manner that respects the principles of fairness, equity and natural justice.

1. Policy 2002-2-06 Student Rights and Responsibilities and Discipline Policy, article 1.2.g.
2. Ibid, article 1.1.3

Policy

Academic Decision Appeal

1. Any student registered at Queen's College/Cestar College may appeal a grade awarded in a course, or any decision or judgment made regarding the student's learning, competencies, standing in, progression through, or graduation from a program of study. See below for examples.

Appeals concerning disciplinary decisions, including academic dishonesty, are not governed by this policy, but rather the Student Rights, Responsibilities and Discipline policy. Concerns or issues arising from harassment, discrimination, bullying and other such behaviours are not addressed through this policy but rather through College policies that address those matters directly, such as the Student Rights, Responsibilities and Discipline policy.

2. The appeal process consists of the Informal Appeal process and the Formal Appeal process. The Formal Appeal process will only be initiated once the Informal Appeal process has been undertaken in good faith and exhausted. There are four steps (three are informal and the last is formal)



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Informal Appeal

3. **First Step:** A student dissatisfied with an academic decision must initiate the appeal process by contacting the instructor. This contact must be made within ten College working days of the publication of the decision, e.g. issue of final grade by the Registrar (on WebAdvisor) or the instructor informing the student of the decision (via the Cestar / Queens database).
4. Within the student discussion with the instructor, the student must indicate the reason for dissatisfaction or disagreement with the decision and the remedy sought. Both parties should attempt to reach an understanding of the differences and, if possible and appropriate, a resolution to the dissatisfaction using the attached form Instructor/Student Meeting Confirmation Form (Appendix 1)
5. **Second step:** If the student remains dissatisfied after the required discussion with the instructor and wishes to continue with the appeal, the student should contact an Advisor in Student Services (who does not chair the final committee for the appeal) (Step 4) within three working days to discuss the appeal.
6. The Student Services Advisor will meet with the student only if the student has met with the instructor as described above or has made a good-faith but unsuccessful attempt to meet with the instructor. The Student Services Advisor will require the completed Instructor/Student Meeting Confirmation form. The Student Service advisor will contact the Director of Lambton College of Toronto / Mississauga about the situation. The Director will assign himself/herself or senior administrator to Chair the Committee. (Senior administrators could be the President, Manager, Academic Quality or the Academic Integrity Officer). To start this process, a \$25-dollar fee must be submitted with this appeal. The Chair of the Informal Appeal shall discuss the matter with the instructor.
 - a. The Chair of the Informal Appeal, the student and the instructor should attempt to reach an understanding of the differences and, if possible and appropriate, a resolution to the appeal within five business days.
 - b. If a resolution is not achieved, the Chair of the Informal Appeal will determine the outcome in the matter.
 - c. In some instances, the Chair of the Informal Appeal may choose to render no decision and so permit direct access to the Formal Appeal.
 - d. The Chair of the Informal Appeal will inform the instructor of the decision within one working day of the conclusion of the above discussion.
 - e. Within one working day after being informed, the instructor may request a re-consideration of the decision.
 - i. To inform the re-consideration, the Chair of the Informal Appeal will schedule a meeting with at least two Coordinators to consider the matter in dispute. This meeting should be within three working days of the request for reconsideration being made.
 - ii. The instructor will submit, through his/her Coordinator, to the meeting, an agenda in writing, the reason for requesting the re-consideration, the arguments for his/her case and the remedy sought.
 - iii. The instructor will be available to participate in the meeting at the request of the participating Coordinators.



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- iv. At the conclusion of the re-consideration meeting, the participating Coordinators will advise the Chair of the Informal Appeal on the matter in question.
- f. The Chair of the Informal Appeal will inform the instructor and the student of his/her decision within one working day of the re-consideration meeting.
- g. The decision, which may include changing a mark or grade (increase or decrease) will be implemented immediately.
- h. The \$25 dollars in a deposit which is refundable in the event of a successful appeal.

Formal Appeal

- 7. Third and Final step: If a student is not satisfied with the outcome of the Informal Appeal Process, he/she may request a formal appeal of the academic appeal committee.
- 8. A Formal Academic Appeal will proceed only when the matter cannot be resolved through the informal process. A good-faith undertaking of the informal process must be exhausted before a Formal Academic Appeal may be initiated.
- 9. A request to initiate the Formal Appeal process must be filed with the Director of Lambton College in Toronto/Mississauga within five College working days of the transmission of the Chair of the Informal Appeal's decision concluding the Informal Appeal process.
- 10. If the Director, Lambton College in Toronto/Mississauga has previous involvement in or knowledge of the decision under appeal, he/she will direct the appeal to the Director, Cestar College or the President, Queens College.
- 11. The request for a Formal Appeal must be in writing, addressed to the Director, Lambton College in Toronto/Mississauga and include the following:
 - a. A statement as to what precisely is being appealed,
 - b. The reason(s) for the appeal,
 - c. The remedy sought,
- 12. The reason for the appeal will normally, but not exhaustively, be for one of the following reasons:
 - a. The finale grade has been calculated incorrectly because of a misapplication or misinterpretation of the evaluation process of the course;
 - b. The evaluation of the student has been inconsistent with the evaluation structure or process described in the course outline;
 - c. The evaluation of the student was inconsistent with the evaluation of the other students in the course;
 - d. The academic decision concerning the student was inconsistent with generally accepted principles of fairness or natural justice.



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13. The Formal Appeal process will not consider appeals regarding minor matters or sanctions. An appeal will not be heard that, if successful, would result in a final grade change of one third of a grade or less, unless that change will affect the student's progression in a program. e.g. a potential maximum grade change from B to B+ (e.g. a third of a grade), with no other repercussions, is not a sufficient change to warrant a formal appeal.
14. In the appeal of an academic decision, the onus is on the student to demonstrate that the decision was inappropriate or faulty and should be modified or reversed.
15. The Chair of the Formal Appeal will review the application and ensure that the prerequisites for an appeal have been met, and that the application clearly states what is being appealed, the reason for the appeal and the remedy sought. The Chair of the Formal Appeal will permit the appeal to proceed when satisfied that all of the conditions have been met.
16. The Chair of the Formal Appeal on being satisfied that all requirements have been met, will form an Academic Appeal Panel to hear the appeal, and will schedule the hearing no fewer than two and no more than fourteen College working days after receipt of the request for a Formal Appeal.
17. A student who files a Formal Appeal request that is subsequently approved by the Chair of the Formal Appeal will not be prevented from proceeding along the normal course of study, or in any other way disadvantaged (e.g. denied a refund after the refund deadline) or held back, while the formal appeal proceeds. Ultimately, if the appeal is lost, the student's status or situation must reflect the outcome of the appeal. For example, a student appealing a failing grade in a course will be allowed to register and continue in a course for which the failed course is a prerequisite while the appeal process continues. If the appeal is lost, and so the student has not successfully completed the course, then the student must be de-registered from the course that has it as a prerequisite.

Formal Academic Appeal Panel

18. The Formal Academic Appeal Panel is authorized to uphold, modify or reverse the academic decision being appealed. It may not direct changes in operations or policy, e.g. course delivery, evaluation procedures, College policy.
19. The Formal Academic Appeal Panel shall be appointed by the Chair, Formal Academic Appeal and will consist of the following, none of whom may have any prior involvement with, or knowledge of, the details of the matter:
 - a. Two Program Coordinators or two instructors,
 - b. Two non-academic staff members or managers,
 - c. Two student council members
20. The chair of the Panel shall be the Student Services Advisor or a suitable equivalent.
21. The composition of the Academic Appeal Panel may be altered at the discretion of the Chair, Formal Academic Appeal in exceptional circumstances to ensure a fair and impartial Panel.

Academic Appeal Hearings



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22. Academic Appeal hearings shall be conducted by the Academic Appeal Panel according to the following statements.
23. Hearings shall be conducted in *camera* by being taped (with video and sound).
24. Admission of any person other than Panel members, the student, instructor, advisors and witnesses to the hearing shall be at the discretion of the Panel Chair. A witness will be present only while giving evidence or being questioned.
25. Normally, the Panel will hear an appeal from one student only. In exceptional circumstances, where more than one appeal has been filed regarding the same decision by an instructor, the Chair, Formal Appeal may determine that a group appeal will be heard.
26. The student and the instructor have the right to be assisted at the appeal hearing by any advisor she chooses drawn from inside the College, at her own expense. No external (to the College) advisors, representatives or assistants may attend the appeal hearing. While the student and the instructor is each responsible for presenting her own case, the advisor may make representations to the Panel on behalf of the student or instructor.
27. All accompanying parties must be identified at least 48 hours in advance, for distribution of names to the panel members. Both parties to the appeal, and any advisors they may have with them, will be present throughout the appeal hearing until the Panel enters its deliberations. In exceptional circumstances, the Chair of the Formal Appeal may exclude one party from a part or segment of the hearing.
28. The student and the instructor may present witnesses who may be subject to questions from the Panel. With the permission of the Chair of the Formal Appeal, the student or advisor and the instructor or advisor, for purposes of clarification and verification, may direct questions to the witnesses and the other party.
29. Pertinent records, exhibits and written statements may be presented as evidence for consideration by the Panel. All such evidence will be presented 24 hours in advance of the hearing and shared with all principal parties which includes students and instructors.
30. The Panel will consider the evidence and testimonies presented to it, recognize that the burden or onus of proof lies with the appealing party and consider that the original decision and the appeal decision are appropriately determined on the basis of a balance of probability (i.e. "more probable than not" or "more likely than not").
31. At the conclusion of the hearing, the Panel shall determine, by majority vote, whether the original academic decision should be upheld, modified or overturned. All members of the Panel, except the Chair, shall vote.
32. It is not within the purview of the Panel to recommend or direct changes in policies, processes, practices or behaviours. In a document separate from its decisions, the Panel may choose to provide comments regarding changes or improvements to the College administration.
33. A course grade imposed as a result of the appeal takes priority over any grade awarded or requested, or any current status in a course. Thus a grade determined by the appeal panel will replace any previously awarded grade (e.g. "B"), requested grade (e.g. "W") or status (e.g. "NG") in the course.



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34. The decision of the Panel shall be rendered within two College working days of the conclusion of the hearing and communicated in writing, to the student, the instructor and the Director. The Director shall be responsible for implementing any change, e.g. grade change, arising from the decision of the Panel.
35. The Chair of the Formal Appeal Panel shall be responsible for the preparation of a written record, to the satisfaction of the Panel, of the appeal hearing, and should include the following:
 - a. Procedures followed, including those opportunities available to the appellant,
 - b. The Panel's consideration of the evidence,
 - c. Considerations of the credibility of witnesses,
 - d. A description of the drawing of any inferences and the basis for them,
 - e. The basis, drawn from the above, for the conclusion reached,
 - f. The conclusion of the Panel,
 - g. The decision of the Panel.
36. Once the Panel has rendered its decision, the Chair of the Formal Appeal panel shall be responsible for compiling the appeal file, which will be filed with the Registrar of Lambton College and will consist of the following:
 - a. The record of hearing,
 - b. Any evidence considered by the Panel,
 - c. The appeal application,
 - d. Any other relevant documents that preceded the hearing,
 - e. The video tapes.
37. The file will be available to the student, instructor and the Director
38. The file and its contents shall be the property of the College.
39. The panel's decision is final and no further appeal is available.
40. The record of the hearing, with identifying information of all persons removed, shall be available to the public for the publication and the consideration of future appeal panels.
41. Record of this appeal and previous appeals will be held on file that adheres to the Record Retention Policy for Cestar College / Queens College

Lambton College, Lambton College in Toronto and Lambton College in Mississauga