

## **LEARNER GRADE APPEALS PROCEDURE**

### **Parent Policy**

Learner Appeals Policy #500-1-12

### **Purpose**

This document outlines procedures related to Bow Valley College learner appeals.

### **Scope**

This policy applies to all Bow Valley College learners, administration, faculty, and staff. The provisions of this procedure are only available to learners.

### **Compliance**

Employees, contractors, and learners are responsible for knowing, understanding, and complying with Bow Valley College policies, procedures, and any other documentation that relate to their position, employment, or enrolment at the College.

### **Procedures**

#### **1. General**

- 1.1. When a learner disagrees with a final grade or a grade that has been awarded to an assignment or test, this procedure outlines measures which may be taken to address the issue.
- 1.2. Any costs incurred by the learner in the appeal process are the learner's responsibility.
- 1.3. Exceptions to this procedure can be made by the Vice President, Academic.

#### **2. Informal Means for Resolution**

Before requesting a formal appeal, learners are strongly encouraged to communicate directly with the instructor of the course for which the grade is being appealed and/or the Program Coordinator responsible for the delivery of the course. These steps are often the most effective way to resolve an issue.

#### **3. Learner Request for an Appeal**

- 3.1. In the event that the disagreement regarding the grade has not been resolved through informal means, the learner may request an appeal. The request for appeal is to be made in writing in the format required by the College and include the following information:
  - a. A brief explanation of the grade being appealed,
  - b. Reasons why the learner believes the grade that is being appealed was not correct or appropriate.
  - c. Identification of at least one of the following ground(s) of appeal upon which the learner is relying:
    - Medical or compassionate reasons
    - Mitigating circumstances
    - Procedurally unfair (including an unfair, inappropriate, or inaccurate marking)
    - Undue hardship

- d. An explanation of the steps taken to attempt to resolve the issue prior to the learner's request for appeal.
  - e. A copy of any documentation the learner wishes to include in support of the appeal.
  - f. A statement of the desired outcome of the appeal.
- 3.2. If the appeal request does not mention reasons related to appropriate grounds, the appeal request will be denied.
- 3.3. Grade appeal requests must be submitted either to the academic department responsible for delivery of the course or to the Office of the Registrar. The learner shall have 5 business days from when he/she was notified of the grade on an assignment or test to submit a grade appeal request. An appeal request of a final grade must be submitted within 1 month of the release of the final grade.
- 3.4. The Offices of the Registrar and Learner Success Services will provide assistance to learners who may lack the language or literacy skills to complete an appeal request on their own. The Students' Association of Bow Valley College may also provide assistance to learners wishing to do an appeal request.

#### **4. Grade Appeals Process**

- 4.1. Academic departments are responsible for administering the procedures for grade appeals.
- 4.2. The academic department responsible for delivery of the course associated with the grade appeal request shall, within 5 business days of receipt of the learner's written request for an appeal, notify the learner of the steps in the appeal process based on the steps outlined below.
- 4.3. During the period of the appeal process, the learner may attend a subsequent course for which the course under grade appeal is a prerequisite, provided the learner is already registered in the subsequent course. If the appeal is not successful in increasing the final mark to that required to be eligible to take the subsequent course, the learner must withdraw from the subsequent course and will be eligible for a refund for that course.
- 4.4. In the event that the outcome of the grade appeal may result in a reinstatement of learner into a program from which the learner has been withdrawn, the learner is entitled to continue participation in classes from which she or he was withdrawn or suspended.
- a. This includes the right to continue participation in subsequent courses in a program in which the learner is registered.
  - b. The learner must explicitly obtain permission to continue participating in courses from the Program Coordinator responsible for the learner's program. Permission will not be granted for continued participation in work placement courses (e.g. practicums, co-ops) where the appeal involves a course which is a requirement for a work placement course.
  - c. The learner is entitled to normal use of College services and participation in College activities during the appeal period, provided that the learner's presence is not considered to put at risk the well-being or safety of others.

- d. If the outcome of the appeal is that the result of the grade appeal does not support a reinstatement into the program, the learner must discontinue participation in those classes when notified of the appeal outcome. The learner is also no longer eligible for college services or activities that are intended for learners only.

#### 4.5. Informal steps in the Grade Appeal Process

The following informal steps are normally a part of the grade appeal process:

- a. The learner is to discuss the request to change the grade with the instructor of the course if the learner has not already done so prior to submitting the appeal.
- b. If the issue is not resolved to the learner's satisfaction through discussion with the instructor, the next informal step is for the learner to discuss the issue with a Program Coordinator, if the learner has not already done so prior to submitting the appeal. If a reappraisal of the mark is undertaken, the mark that results from the reappraisal will stand, whether that is higher, lower, or the same as the original mark.
- c. The learner is expected to complete the above step(s) within 5 business days. Failure to do so may result in the learner appeal being closed and the learner not being able to appeal the matter further.
- d. If the appeal is about a mark on an assignment or test, the decision of the Program Coordinator is the end of the informal appeal process. If the learner wants to appeal it further, that will need to be done as part of a formal appeal of the final grade.

#### 4.6. Formal Grade Appeal Hearing

- a. If the appeal is about a final course mark and the other steps have not resulted in a resolution of the issue, the learner is entitled to a formal appeal hearing at the learner's request.
- b. The formal grade appeal is heard by the Dean of department that is delivering the course for which the grade is being appealed.
- c. As a part of the final course mark appeal, the learner may request that there be a further review of the marks on assignments or tests done in the course, including ones that have previously been appealed to the Program Coordinator.
- d. The appeal hearing shall be scheduled within 5 business days of the learner's request.
- e. Any written evidence that either the academic department or the learner wishes to use in the appeal hearing must be provided to the other party 3 business days before the appeal.
- f. A formal grade appeal hearing involves the learner meeting with and presenting their case to the department Dean, in person if possible.
- g. At least one business day prior to the formal grade appeal hearing, the learner is to be provided with information about the hearing:
  - o time and place
  - o sufficient particulars of the nature of the proceedings so as to allow the learner to prepare relevant evidence and arguments
  - o the deadline for submitting further written evidence
  - o the right to be accompanied by one other individual
- h. The learner has the right to be accompanied by one individual (e.g. a member of the Students' Association Executive, or a fellow learner) at the hearing, provided that the Dean is notified in advance of the name of such individual and their relationship to the learner. The learner is expected to make his or her own representation to the Dean and the role of the

other individual is to provide moral support to the learner and act as an observer of the appeal. That person is to refrain from participating in the hearing proceedings. Representation of the learner by another person shall be allowed only in exceptional, extenuating circumstances upon prior consent of the Dean.

- i. The Dean shall have the right to dismiss an individual accompanying the learner if that person is disruptive during the hearing.
- j. Both the learner and the Dean have the right to present their case and be provided with the opportunity to respond to information and comments made by the other party.
- k. The information disclosed by the learner and the learner's documentation submitted during the appeal process are to be kept confidential.
- l. The Dean is the final level of a grade appeal.

## **5. Notification of the Appeal Decision**

- 5.1. The learner is to be notified of a formal appeal decision verbally or by email within 2 business days of the hearing. A letter (hard copy or electronic) stating the formal appeal decision must be sent to the learner within 5 business days of the hearing. The letter must provide the reason(s) for the decision made.
- 5.2. In exceptional circumstances, such as when further investigation is required, these notification timelines may be extended but a decision should still be made and communicated as quickly as possible. Where the timelines are extended, the learner is to be informed and to be provided with the expected date for notification of the decision.

## **6. Grievance of Appeal Decision**

- 6.1. In exceptional circumstances, a learner has the right to grieve a formal grade appeal decision to the Vice President Academic. The learner may grieve a formal appeal decision only if:
  - there is new relevant information which was not available to the learner at the time of the appeals process
  - or
  - the provisions of the Learner Appeals Policy or Procedure have allegedly not been followed.
- 6.2. The learner must submit a written statement citing the reason for the grievance to the respective Vice President
  - within 5 business days of being informed of the formal appeal decision if the grievance claims that the Learner Appeals Policy or Procedure was not followed
  - with 10 business days of learning of new relevant information which was not available at the time of the appeals process
- 6.3. Notwithstanding the foregoing, a grievance cannot be made later than a year from the formal appeal decision that is being grieved.
- 6.4. The Vice President is the last level of appeal and the Vice President's decision is deemed final and not subject to appeal.

**7. Recordkeeping of Learner Appeals**

- 7.1. All learner grade appeal requests as set out in this procedure and the outcomes of those appeals are to be tracked. It is the responsibility of the respective academic departments to keep records of grade appeals.
- 7.2. Where the outcome of a learner appeal has an impact on a learner's student record and/or has significance to the learner's status, etc. (e.g. a changed grade, overturned learner withdrawal due to changed grade), reference to the appeal decision should be noted on the learner's record on the student information system. In other cases, the learner appeal request and resulting outcome are not normally noted on the student record.

**Definitions**

**Medical or compassionate reasons:** Significant unforeseen, unusual circumstances beyond the learner's control in either personal or family life that may affect performance related to College expectations. Examples include medical illness or injury which has significant impact, death of a close relative, other adverse experience that has significant impact on the learner.

**Mitigating circumstances:** Facts that while not negating a particular unwelcome or negative decision, provide relevant reasons why the learner acted or performed in a particular manner that support reducing the severity of the decision made.

**Procedurally unfair:** Inconsistency with one or more of the rules of natural justice, including by way of example but without limitation:

- a. one or more decision makers who participated in making the decision appealed from were not impartial;
- b. in the case of an academic or non-academic decision, reasons for the decision appealed from were not provided to the learner; or
- c. the decision appealed arose from an unfair, inappropriate or inaccurate application of a policy, procedure, rule, or calculation.

**Undue hardship:** Circumstances or decisions that present an unreasonable or disproportionate burden or obstacle for the learner.

See Policy for further definitions.

**DATA SHEET**

**Responsible Officer**

The Registrar and Director of Enrolment services is the Responsible Officer for this policy. Questions regarding this policy should be addressed to the Responsible Officer.

**Relevant Dates**

<b>Approved</b>	Academic Council - November 10, 1999 Board of Governors - January 28, 2000
<b>Effective</b>	
<b>Next Review</b>	
<b>Modification History</b>	Reviewed by Academic Council - April 17, 2003 Approved by President - July 7, 2003 Reviewed: Executive Team – March 7, 2017 Reviewed: Policy Committee – April 27, 2017 Approved: Board of Governors – May 24, 2017

**Related Policy**

Learner Appeals Policy #500-1-12

**Associated Policies, Procedures, and Guidelines**

See parent policy Learner Appeals Policy #500-1-12  
General Learner Appeals Procedure #500-1-12-A

**Related Legislation**

*Post-Secondary Learning Act*

**Attachments**

N/A