

# GENERAL LEARNER APPEALS PROCEDURE

## PLAIN LANGUAGE SUMMARY

### Parent Policy

#### *What is this procedure for?*

This is the procedure for the Learner **Appeals** Policy.

When you **appeal** a decision, you ask the College to look at it again. You can **appeal** if you think someone did not treat you fairly.

### Purpose

#### *What is the purpose of this procedure?*

This procedure tells us how the College handles learner **appeals**. This procedure talks about appeals that are not grade appeals.

### Scope and Compliance

#### *Who does the policy affect?*

This policy is for all Bow Valley College learners and employees. Only learners can make **appeals** through this policy. This procedure is not for grade appeals.

For grade appeals, please see Learner Grade Appeals Procedure. This procedure is not for admissions appeals. For admissions appeals, please see Admissions Policy and Procedure.

This procedure is not for Freedom of Information and Privacy Protection.

All employees, learners, and contractors at Bow Valley College are responsible for knowing and following policies and procedures.

## Procedures

### *What procedures do you have to follow?*

#### 1. General

- 1.1. If you want to **appeal** a decision, follow this procedure.
- 1.2. If the **appeals** process costs you money, it is your responsibility to pay.
- 1.3. You cannot use this procedure for disagreeing with policies, procedures, or other rules.
- 1.4. The Vice President (Learner Services) or the Vice President (Academic) can make **exceptions** to this policy. Their decisions must follow the principles of this procedure.

An **exception** is when you do not follow the policy or procedure for an individual person. There must be a good reason for an exception.

#### 2. Informal ways to solve the problem

- 2.1. Before you request a formal **appeal**, the College wants you to talk to the person directly about the decision that you want to appeal. You can speak to them in person or you can write to them. Talking to them is often the best way to solve the problem.

#### 3. Learner request for an **appeal**

- 3.1. If you cannot solve your problem informally, then you can ask for a formal **appeal**. You must give the College a written request. Your request must include:
  - a. a short description of the decision you want to **appeal**
  - b. if you heard about the decision in writing, include a copy of the decision
  - c. the reasons why you want to **appeal** the decision
  - d. at least one of the following **grounds** for **appeal**:
    - **Medical or compassionate reasons:** This means that you are appealing the decision because you have a medical reason or because something very bad happened to you or your family.
    - **Mitigating circumstances:** This means that there was a situation in your life that explains why you behaved the way you did.

**Grounds** for appeal are formal reasons. You can only appeal a decision based on one of these grounds.

- **Procedurally unfair:** This means the decision did not follow College procedures.
- **Undue hardship:** This means that the decision gave you very big and unreasonable problems.
- **New information:** This means that there is new information that affects the decision.

e. a description of what you have already done to try to solve this problem

f. a copy of any documents that support your **appeal**

g. the solution you would like

3.2. Your **appeal** request must include reasons that are related to one of these **grounds**. If it does not, The College will deny your request.

3.3. You must give the Office of the Registrar your **appeal** request within 1 month from when you heard about the decision.

3.4. If you do not have the language or reading and writing skills to make an **appeal** request, you can get help. The Office of the Registrar, Learner Success Services, and the Students' Association of Bow Valley College can help you.

#### 4. The **appeals** process

4.1. **Responsibility for the **appeals** process:** The Office of the Registrar is responsible for all appeals except grade appeals.

4.2. **Finding out about the procedure:** After the Office of the Registrar gets your request, they have 5 **business days** to tell you about the **appeals** procedure.

A **business day** is any day when the College is open. It does not include weekends or holidays.

4.3. **Steps in the **appeal** process:**

- a. The College may ask you to discuss the problem with someone in the **relevant** department.
- b. If this does not solve the problem, you have to request a meeting with the Dean or Director of the department.

The **relevant** department is the department that made the decision that you want to appeal.

- c. You have to do these steps within 5 **business days**. If you take longer than 5 days, the College may deny the **appeal**. The department must work quickly during these steps.

- d. If this does not solve the problem, you have the right to request a formal **Learner Appeals Committee hearing**.
- e. The members of the **Learner Appeals Committee** may not have a **conflict of interest** in the case. This means that they may not have anything to do with the decision that you are appealing. They cannot come from the same department.
- f. If the Registrar has a **conflict of interest**, the Vice President (Learner Services) and Chief Student Services Officer will choose someone else to work on the **appeal**.
- g. If you think there is a **conflict of interest** for someone on the committee you can ask for a new person. You have 2 days to ask for a new person. You may only ask for a new person if there is a conflict of interest.

The **Learner Appeals Committee** is a group of people who listen to appeals and make a final decision.

When the Learner Appeals Committee meets with you it is called a **hearing**.

A **conflict of interest** is when someone is personally involved with the case or decision.

#### 4.4. **Members of the Learner Appeals Committee**

- a. The Chair (leader) of the **Learner Appeals Committee** chooses the members of the committee.
- b. A **Learner Appeals Committee** includes these people:
  - the Registrar (chair of the committee)
  - a Dean
  - a Learner Representative (chosen by the Students' Association)
- c. All 3 members of the committee must be at the **hearing**.
- d. The role of the committee members is to be fair and neutral. They are not acting for the learner or the College.
- e. The members of the committee must not have a **conflict of interest**. They may not have anything to do with the decision you are appealing. They may not come from the same department. Also, the Dean and the Learner Representative must come from different departments.
- f. If the Registrar has a conflict of interest, the Vice President (Learner Services) and Chief Student Services Officer will choose someone else to be on the committee.

- g. If you think there is a **conflict of interest** for someone on the committee you can ask for a new person. You have 2 days to ask for a new person. You may only ask for a new person if there is a conflict of interest.

#### 4.5. Formal learner appeal hearing

- a. A formal **hearing** involves you and a representative from the **relevant** department.
- b. If you or the department representative want to use any documents in the **hearing**, you have to send them to the Chair of the **Learner Appeals Committee**. You have to send your documents at least 4 **business days** before the hearing. The Chair will give copies to everyone.
- c. You will find out the names, positions, and departments of the members of the **Learner Appeals Committee** at least 3 days before the **hearing**.
- d. You may bring one person with you to the **hearing**, for example another learner or someone from the Students' Association Executive. You have to tell the **Learner Appeals Committee** in advance the name of the person you are bringing and their relationship to you. You must speak during the hearing yourself. The person you bring may not participate in the hearing. You can only be represented by someone else in exceptional cases if you get permission from the Chair before the hearing.
- e. The department representative may bring one person to the **hearing**. That person may not participate in the hearing.
- f. You may request a resource person to be a part of the committee. The College may also request a resource person. A resource person cannot vote on the committee. They have experience in a relevant area and can advise the committee. Examples of resource people can include a counsellor, person with knowledge of Aboriginal justice, or a learning disability specialist. The Chair of the **Learner Appeals Committee** chooses the resource person. The resource person may not have a **conflict of interest**. The resource person comes to the **hearing** and to the committee's discussion after the hearing.
- g. In the **hearing**, both you and the representative will get a chance to speak. The representative will explain why they made the decision. You will explain why you want an **appeal**. You will both get a chance to respond to each other.
- h. The Chair of the **Learner Appeals Committee** has the right to ask someone to leave the **hearing** if they are disruptive.

- i. The committee makes a decision by voting. All members of the committee have the right to vote.
- j. Everything that is said during the **hearing** is confidential. The committee members and resource persons may not tell anyone else what they learn during the hearing.
- k. The decision of the **Learner Appeals Committee** is final.

**5. When will you find out about the **appeal** decision?**

- 5.1. You will find out the decision of the committee within 2 **business days** of the **hearing**. They will tell you or they will send you an email. They will also send you a letter with the formal **appeal** decision within 5 **business days** of the hearing. The letter must say the reasons for the decision. The **Learner Appeals Committee** will send the department representative the same information.
- 5.2. In some cases the committee can take longer to announce their decision, but they should always do it as quickly as possible. They may take longer if they need to do further investigation. If it is going to take longer, the committee will tell you when they will have a decision.

**6. Can you participate at the College during the **appeals** process?**

- 6.1. If you are appealing a decision about a withdrawal or suspension from a program or course, you have the right to continue to attend classes during the **appeal** process. You have to get permission to continue to go to class from the Program Coordinator. You will **not** be allowed to go to class if:
  - You are appealing a withdrawal/suspension from a work placement course or a required course for work placement.
  - Other people's safety or well-being may be at risk if you keep going to class.
  - There will be a disruption to the class if you keep going to class.
- 6.2. If you are appealing a withdrawal or suspension from a program, you may continue to use College services during the **appeal** as long as this doesn't put other people at risk.
- 6.3. If the **Learner Appeals Committee** decides that you are withdrawn or suspended, you must stop attending the course or program as soon as you hear the decision.

## 7. Grieving an appeal decision

7.1. **Grieving the decision:** You have the right to **grieve** the decision to a Vice President of Bow Valley College. You may only grieve the decision for two reasons:

- if there is new information which was not available during the **appeals** procedure
- if the **appeals** procedure was **allegedly** not followed

When you **grieve** a decision, you ask a Vice President of the College to look at the decision. It is like a final appeal.

**Allegedly** means that you say something is true but it has not been proven in a court or hearing.

7.2. If you want to grieve the decision, you must give the Vice President a statement in writing. You must write to the Vice President:

- within 5 **business days** of hearing the committee decision if the procedure was allegedly not followed.
- within 10 **business days** if you have learned new information.

7.3. You cannot grieve an **appeal** decision later than a year after the decision was made.

7.4. The Vice President is the last level of **appeal**. The Vice President's decision is final.

## 8. Keeping records of learner **appeals**

8.1. The Office of the Registrar will keep records of all learner **appeals** and decisions, except for grade appeal requests.

8.2. If the decision of the **appeal** affects your student record (for example, a changed grade on overturned withdrawal), then the Registrar will note it on your record. Otherwise, it will not be noted.

## Definitions

**Medical or compassionate reasons:** Medical reasons are when you get very sick or injured and this affects your performance at the College. Compassionate reasons are when something very bad happens to you or your family that is out of your control, for example if a family member dies.

**Mitigating circumstances:** This is when there was a situation in your life that explains why you behaved the way you did.

**Procedurally unfair:** This is when the rules of the procedure are not followed. Examples include:

- the person making the decision had a **conflict of interest**
- you did not get reasons for the decision
- the decision did not use the rules, policies, or procedures in a fair or accurate way

**Undue hardship:** This is when a decision will give you very big and unreasonable problems.