



## Reappraisal and Academic Appeals

**Category:** Academic;

**Jurisdiction:** Provost and Vice President, Academic; Senate Academic Appeals Committee;

**Approval Authority:** Senate;

**Established on:** May 13, 1994;

**Amendments:** June 20, 2007; February 29, 2008; April 25, 2008; October 3, 2008; February 10, 2014.

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### Senate Policy Regarding Academic Appeals

#### I. Introduction

Lakehead University is committed to the fair and expeditious handling of all academic appeals. The Senate Policy Regarding Academic Appeals is intended to ensure that students are treated fairly with regard to academic appeals.

Specifically, the Policy provides students with a means to address their concerns about final course marks and other academic decisions. Students may appeal when they believe that an inappropriate decision was made or that their personal circumstances were not considered. Inappropriate decisions may arise during the process of evaluating course work or in decisions regarding procedures, regulations, requirements or standards of the course of study in which the student is enrolled.

Students are expected to make reasonable efforts to resolve issues beginning with the individuals making the decisions. Nothing herein shall relieve students of their obligation to review and understand any and all regulations, requirements and standards that may apply to their course of study, or to all students at Lakehead University. Accordingly, appeals filed

under this policy may be dismissed by the Senate Academic Appeals Committee (SAAC) without hearing if the decision under appeal is consistent with the relevant published regulations, requirements or standards.

## II. What May Be Appealed

Students may use the procedures and guidelines set forth in this Policy to appeal a Final Course Mark or an Academic Decision Other Than a Final Course Mark.

A student may not appeal both a Final Course Mark and a Decision Other Than a Final Course Mark when both appeals relate to the same issue.

Students may not use the procedures set forth in this Policy to appeal decisions regarding admission or readmission to Lakehead University.

Students may not appeal decisions concerning academic misconduct of any kind under this Policy. Sanctioning of, and appeals from decisions concerning, academic misconduct are governed by Lakehead University's *Code of Student Behaviour and Disciplinary Procedures*.

### Final Course Mark

A Final Course Mark is the grade assigned to a student by the Enrolment Services - Academic Advising, Records and Registration in respect of a completed course or project including a thesis. Student work that contributes to a Final Course Mark, as described in section III(1), may be appealed only as part of an appeal of a Final Course Mark.

**Note on Placements, Practica, Clinical Experiences and Fieldwork:** Because required placements, practica, clinical experiences and fieldwork involve performance of skills learned by students and because this performance is summarily evaluated over a period of weeks, the University policy on appeal of final grades applies only to class grades and not to required placement, practicum, clinical experience or fieldwork grades.

If a student feels unfairly treated by the process of assigning a placement, practicum, clinical experience, or fieldwork grade or by the application of academic regulations pertaining to these experiences, then the student may appeal to have the process and application of the rules reviewed, but not the final grade. Refer to the following section on “Academic Decisions Other Than a Final Course Mark” for more information on the processes to be followed.

### **Academic Decisions Other Than a Final Course Mark**

Academic Decisions Other than a Final Course Mark are decisions regarding procedures, regulations, requirements or standards of the course of study in which the student is enrolled. Examples include decisions regarding course registration; the process of assigning a placement, practicum, clinical experience, or fieldwork grade or by the application of academic regulations pertaining to these experiences; academic standing; and eligibility to graduate.

### **III. How to Appeal**

The sections that follow outline two pathways for appeal. In both cases, important communications from individuals and committees hearing the appeal shall be sent to the student through his or her official Lakehead University email account.

#### **1) Appeal of a Final Course Mark**

*Timeframe for Appeal of a Final Course Mark:*

Step 1: Student - Within 15 working days of final grades being released by Enrolment Services - Academic Advising, Records and Registration.

Response – No formal response required.

Step 2: Student –

Response – Dean to provide response normally within 15 days of receipt of appeal

Step 3: Student – Within 15 working days of receipt of Dean’s decision in Step 2.

Response –

**Step 1:** The student shall discuss the Final Course Mark with the course instructor. No formal response is required. If the matter is not resolved the student can proceed to Step 2 by filing a “Request for Appeal of a Final Course Mark” with the Dean’s Office responsible for the course and payment of the applicable fee to the Office of Financial Services. This “Request for Appeal” must be filed within 15 working days of the release by Enrolment Services - Academic Advising, Records and Registration of the final grade for the course under appeal.

For the purposes of this policy “working day” means any day of the week from Monday to Friday, excluding statutory holidays and any other day that Lakehead University is closed.

An Appeal will be incomplete unless it includes:

- the applicable administrative fee for each Final Course Mark under appeal; and
- a detailed (maximum two page) explanation of the applicant's reasons for appealing the Final Course Mark.

**Step 2:** Upon notification of the “Request for Appeal of a Final Course Mark,” the Dean will forward a copy of the notification to the instructor involved, Director/Chair of the associated School/Department, and the Associate Vice-Provost Enrolment and Registrar.

The Dean is charged with determining the final outcome of the appeal. Depending upon the nature of the appeal, the Dean may:

- Determine that there is no reasonable prospect of success or that the grounds presented do not constitute valid grounds for an appeal or that the application is incomplete.
- Seek further information from the instructor, students or other relevant persons.
- Have the instructor re-read any paper, test or examination.
- Have an independent qualified person review any paper, test or examination. All reviews should where practicable be conducted “blind” (i.e. without the reviewer knowing the identity of the student). It is appropriate for the reviewer to refer to the decision, and reasoning, of the initial marker while considering a review. The reviewer does not mark the assessment anew (de novo), but asks the question “is the mark within the range of acceptable options appropriate for an assessment item of this quality?”
- Appoint an independent investigator or panel, who will investigate the matter under appeal, make findings and advise the Dean.
- Adopt any other process that would fairly and expeditiously assist in determining the appeal.

The Dean will provide a decision in writing with reasons to the student, instructor involved, Director/Chair of the relevant School/Department, and the Associate Vice-Provost Enrolment and Registrar normally within 15 working days of receipt of the appeal.

**Step 3:** It is open to the student to apply for a hearing of the Senate Academic Appeals Committee (SAAC) as described below and the student must be so advised by the Dean in the appeal decision. The student has 15 Working Days from receiving of the Dean’s decision to file an appeal to the Senate Academic Appeals Committee (SAAC) pursuant to this Policy.

**Important Notes:**

- Students shall be entitled to examine their final examination papers under conditions prescribed by the Dean’s Office in consultation with instructors,

and in compliance with University policy, in order to protect the integrity of the examinations.

- There is no appeal of ongoing performance such as class or lab participation, tutorial performance, in class quizzes, professional behaviour, skill exercises, or any individual assessment worth less than 10% of the Final Course Mark. These marks stand and are to be included in the calculation of the final grade in the course.
- Student work that is not excluded may be appealed only as part of an appeal of a Final Course Mark. Examples include written reports, tests, midterm and final exams.
- All formal final grade appeals, i.e., a “Request for Appeal of a Final Course Mark,” must be filed with the appropriate Dean’s Office within 15 working days of the final grades being released to the student by Enrolment Services - Academic Advising, Records and Registration. In exceptional circumstances the Dean has the discretion to waive the deadline for filing an appeal.
- Formal appeals to the Dean shall be dealt with expeditiously and the decision on the appeal should normally be provided in writing to the student within 15 working days from the filing of the “Request for Appeal of a Final Course Mark”.
- On appeal grades may be raised or lowered and the new mark, whether higher or lower than the original, replaces it as the student’s official mark in the course.
- If the student’s grade is raised the Appeal Fee will be refunded to the student.
- For courses that require the course or work in dispute as a pre-requisite, the student shall be permitted to attend such courses until the decision on the appeal is communicated to him/her. At this time, the student will be instructed by the Associate Vice-Provost Enrolment and Registrar to register in or withdraw from (and no longer attend) the courses concerned.

- No student who has failed a year or been forced to withdraw from the program is allowed to attend classes pending an appeal. Graduate students may continue in the program pending the outcome of an appeal.
- Appeals will only be considered for up to a maximum of two full-course equivalents per program.

## 2) Appealing an Academic Decision Other than a Final Course Mark

*Timeframe for Appeal of an Academic Decision Other Than a Final Course Mark:*

Step 1: Student - Within 15 working days of final grades being released by Enrolment Services - Academic Advising, Records and Registration.

Response – No formal response required.

Step 2: Student –

Response – Dean to provide response normally within 15 days of receipt of appeal.

Step 3: Student – Within 15 working days of receipt of Dean’s decision in Step 2.

Response –

**Step 1:** A student who wishes to appeal an Academic Decision Other than a Final Course Mark shall discuss the matter with the instructor or decision-maker involved. No formal response is required. If the matter is not resolved the student can proceed to Step 2 by filing a “Request for Appeal of Academic Decisions Other Than a Final Course Mark” with the Dean’s Office responsible for the matter and payment of the applicable fee to the Office of Financial Services. This “Request for Appeal” must be filed within 15 working days of the release of the decision under appeal. (See section III(1) for the definition of “working day”.)

An Appeal will be incomplete unless it includes:

- the applicable administrative fee for each Academic Decision Other Than a Final Course Mark under appeal; and
- a detailed (maximum two page) explanation of the applicant's reasons for appealing the Academic Decision Other Than a Final Course Mark.

**Step 2:** Upon notification of the “Request for Appeal of an Academic Decision Other Than a Final Course Mark,” the Dean will forward a copy of the notification to the decision-maker or instructor involved, the Director/Chair of the relevant School/Department, and the Associate Vice-Provost Enrolment and Registrar.

The Dean is charged with determining the final outcome of the appeal. Depending upon the nature of the appeal, the Dean has all the powers of investigation as outlined above in section III(1).

The Dean will provide a decision in writing with reasons to the student, decision-maker or instructor involved, Director/Chair of the relevant School/Department, and Associate Vice-Provost Enrolment and Registrar normally within 15 working days of receipt of the appeal.

**Step 3:** It is open to the student to apply for a hearing of the Senate Academic Appeals Committee (SAAC) as described below and the student must be so advised by the Dean in the appeal decision. The student has 15 Working Days from receipt of the Dean's decision to file an appeal to the Senate Academic Appeals Committee pursuant to the University Regulations.

**Important Notes:**

- All formal appeals of Academic Decisions Other than a Final Course Mark must be filed with the appropriate Dean's Office within 15 working days of



the release of the decision under appeal. In exceptional circumstances the Dean has the discretion to waive the deadline for filing an appeal.

- Formal appeals to the Dean shall be dealt with expeditiously and the decision on the appeal should normally be provided in writing to the student within 15 working days from the filing of the “Request for Appeal of an Academic Decision other Than a Final Course Mark”.
- If the student is successful on appeal the Appeal Fee will be refunded to the student.
- For appeals that involve the student’s status in courses that require the course or work in dispute as a pre-requisite, the student shall be permitted to attend such courses until the decision on the appeal is communicated to him/her. At this time, the student will be instructed by the Associate Vice-Provost Enrolment and Registrar to register in or withdraw from (and no longer attend) the courses concerned.
- No student who has failed a year or been forced to withdraw from the program is allowed to attend classes pending an appeal. Graduate students may continue in the program pending the outcome of an appeal.
- If the decision under appeal involves a University decision, rather than a Faculty decision, the appeal is to the Vice-Provost (Student Affairs), who shall follow the same procedures and timelines as outlined in section III(2).
- If the decision under appeal involves a decision made by a Faculty Dean, the appeal is to the Vice-President (Academic) and Provost, who shall follow the same procedures and timelines as outlined in section III(2)

#### **IV. Appeals to the Senate Academic Appeals Committee (“SAAC”) – Introduction**

Procedures to be used by the SAAC in conducting Hearings require that the principles of natural justice are observed. The basic principles of natural justice require that a person receive a fair and unbiased hearing before a decision is made that will impact on their rights or interests. Fairness means, in part, that the person affected by the decision is:

- Given proper notice of the case and of the hearing,

- Given a fair opportunity to answer the allegations brought, and
- Given the opportunity to present their case.

To be unbiased is to be and to be seen as objective or impartial about the matter under consideration.

The quorum for each Hearing shall be the three (3) voting members of the appointed Appeal Tribunal.

The specific individuals constituting the Appeal Tribunal for an appeal shall normally remain the same for the duration of that appeal.

The SAAC has the authority to establish and revise its own procedures to promote the purposes of the appeal policy and the efficiency of hearings, provided that none of these procedures conflicts with the SAAC's terms of reference or the principles outlined in this Policy.

## **V. Initiating the Appeal**

- 1) Appeal to the SAAC may be made only after a decision has been reached at the immediately preceding level of appeal and communicated to the student through his or her official Lakehead University email account.
- 2) Appeal to the SAAC must be made within 15 working days of receipt of the decision at the previous level. (See section III(1) for the definition of “working day”.) The application form (Form C) for appeals to the SAAC is available from the Office of the Director of Risk Management and Access to Information. If application to the SAAC is incomplete or is not made within this 15 working day period, in the absence of reasonable cause, the decision of the relevant lower level of appeal is final and binding and no further appeals shall be considered.
- 3) Reasonable cause for delay of proceedings may be found by the SAAC Chair to exist if the delay resulted from established incidents involving illness, accident, serious family problems, or other circumstances which were beyond the control of the appellant or

respondent and which, in the opinion of the SAAC Chair, were a substantial contributing factor to the delay.

- 4) Appeals to the SAAC will be permitted only on the grounds of one or more of the following:
  - evidence of a factual or procedural irregularity in the consideration of the appeal at a previous level substantial enough to have affected the results of the deliberations at that level;
  - evidence that the student was denied Natural Justice at a previous level of appeal;
  - new evidence which may be, on a reasonable interpretation, material to resolution of the appeal. New evidence is evidence that the student could not reasonably have discovered prior to application to the SAAC;
  - evidence that a decision reached at a previous level of appeal is unreasonable.
- 5) An appeal to the SAAC shall not be considered unless Form C has been accurately and fully completed, so that it includes the following information:
  - confirmation that all lower levels of appeal have been completed;
  - the specific decision which is being appealed, including the text of that decision;
  - the form of the redress requested;
  - the specific grounds on which the appeal is made, including the text of the relevant procedural regulations (if any) allegedly violated or otherwise deemed applicable to the case; and
  - reasoned argument in support of the grounds being claimed for the appeal and a summary of the evidence which the student is prepared to offer in support of these grounds.
- 6) Upon written request, a party desiring to submit an appeal shall be given, without charge, copies of all Lakehead University documents which may support the summary of evidence presented in 5 (e) above, with the exception of those documents which Lakehead University is not authorized or empowered to make available.
- 7) The Chair of the SAAC shall, within 5 working days of receipt of the application for a Hearing, notify the student in writing that the application has been received. The student shall be advised through his or her official Lakehead University email account.

The Chair of the SAAC shall also notify the instructor(s)/decision-maker that an appeal application has been received.

- 8) Within 5 working days of notifying the student that his/her appeal application has been received, the Chair of the SAAC shall constitute an Appeal Tribunal to hear the appeal and the Appeal Tribunal Chief shall schedule a Hearing of the case at a location, date and time as soon as convenient to the Tribunal and the parties involved in the dispute.
- 9) Each party to the Hearing shall receive from the Chief of the Appeal Tribunal confirmation of the agreed upon location, date and time of the Hearing. The student shall be advised through his or her official Lakehead University email account.
- 10) The instructor(s)/decision-maker shall file documentation and written argument in support of the decision being appealed. This information must be received by the Chief of the Appeal Tribunal no later than 5 working days prior to the scheduled Hearing. The Tribunal Chief shall immediately provide the student with a copy of any documentation and written argument so filed.
- 11) The appellant shall be permitted to submit a written rebuttal to the documentation provided under section V(10). Such rebuttal shall address only those matters not raised in the appellant's original submission to the SAAC and must be received by the Chief of the Appeal Tribunal no later than 2 working days prior to the scheduled Hearing. The Tribunal Chief shall immediately provide the instructor(s)/decision-maker with a copy of the rebuttal.
- 12) The SAAC has the right of access to, and copies of, all documents that were considered at the previous appeal level.

## **VI. Procedures at SAAC Hearings**

- 1) Under ordinary circumstances, Hearings shall be public. Upon the request of any of the affected persons, the Appeal Tribunal may decide, by majority vote, to conduct a closed Hearing. A closed Hearing shall be allowed only when it can be shown that protection of the interests of the involved parties, or the public interest, outweighs the desirability of conducting a hearing in public.

- 2) Either party to the appeal requesting to appear in person or with a representative before the SAAC must so notify the Chief of the Appeal Tribunal within 2 working days of receipt of confirmation of the date of the Hearing.
- 3) The Appeal Tribunal may proceed with the Hearing in the absence of either of the parties involved or if there is delay in the proceedings without reasonable cause.
- 4) Notes of the proceedings of the Hearing shall be taken by the Secretary of the SAAC (Director of Risk Management and Access to Information).
- 5) As a preliminary matter the Appeal Tribunal, in closed session without the parties present, shall determine whether or not the SAAC has jurisdiction to hear the appeal.
- 6) If the Appeal Tribunal finds that the SAAC does not have jurisdiction to hear the appeal, the Tribunal Chief shall immediately notify the parties to the appeal and adjourn the Hearing. Within 5 working days of this notification the Tribunal Chief shall provide the parties with written confirmation of the finding together with the reasons for the finding.
- 7) If the Appeal Tribunal finds that the SAAC does have jurisdiction to hear the appeal, the order of proceedings during the Hearing is:
  - Introduction of Appeal Tribunal members, recital of the redress being sought and the decision being appealed, and summary review of documentation provided by both the appellant and the respondent(s);
  - Opening statements by the Appellant (student) or his/her representative to establish the grounds for the appeal;
  - Opening statements by the Respondent (instructor(s)/decision-maker) or his/her representative;
  - Examination of the Appellant (student) or representative by the Appeal Tribunal to clarify any points raised by his/her opening statement;
  - Calling of witness(es), if any, by the Appellant (student), cross-examination, re-examination and examination of witness(es) by the Appeal Tribunal to clarify any point raised in the evidence;
  - Examination of the Respondent (instructor(s)/decision-maker) or representative by the Appeal Tribunal to clarify any points raised by his/her statement;

- Calling of witness(es), if any, by the Respondent (instructor(s)/decision-maker), cross-examination, re-examination and examination of witness(es) by the Appeal Tribunal to clarify any point raised in the evidence;
- Reply evidence, if any, on behalf of Appellant (student), including calling of witnesses by the student, cross-examination, re-examination and examination of witnesses by the Appeal Tribunal to clarify any point raised in their evidence. Such evidence in reply shall only be for the purpose of contradicting or qualifying new facts or issues raised in the Respondent's (instructor(s)/decision-maker's) evidence;
- Summary remarks by the Appellant (student);
- Summary remarks by the Respondent (instructor(s)/decision-maker);
- Reply, if any, by the Appellant (student) to summary remarks by the Respondent (instructor(s)/decision-maker).

## **VII. Representation**

- 1) Parties to the appeal have the right to be represented at a Hearing by another person, who may be legal counsel.
- 2) The Appeal Tribunal may request legal counsel and have such counsel present during a Hearing.

## **VIII. Evidence**

- 1) Parties to the appeal have the right to present evidence, oral or written, in support of their case and to see any written evidence presented to the SAAC.
- 2) The SAAC has the right to require the production of written evidence by the parties or from other sources.
- 3) The Appeal Tribunal has the power to rule on the admissibility of evidence. When the admissibility of evidence becomes an issue, the Tribunal Chief shall invite submissions from both parties as to whether the evidence in question should be presented. After hearing the submission the Tribunal shall rule on whether to admit or exclude the evidence.

- 4) Parties to an appeal are required to produce adequate documentation in support of their positions.

## **IX. Witnesses**

- 1) Parties to the appeal are responsible for producing their own witnesses and for the costs incurred.
- 2) The SAAC has the power to compel a witness from within Lakehead University (employee or student) to attend a Hearing and parties may request the Chair's assistance in this regard.
- 3) Unless all parties agree to the contrary, witnesses are present in the Hearing only during the time they are testifying.

## **X. Deliberations Following a Hearing**

- 1) Following the Hearing the Appeal Tribunal shall deliberate in camera to reach a final decision.
- 2) The Appeal Tribunal shall within 5 working days provide a written report to the President and the parties involved which will contain the following information:
  - membership of the Appeal Tribunal;
  - background information regarding the appeal;
  - the summary of the case;
  - the findings of the case;
  - the final decision and reasons for the decision;
  - recommendations and/or policy changes.

If the Appeal Tribunal has decided to allow the appeal or to alter the appealed decision, the Tribunal shall ensure that it provides sufficient clarity, detail, and instruction to enable the complete, correct, and expeditious execution of its decision.

The student shall be advised through his or her official Lakehead University email account.

- 3) The President shall ensure that the decision of the Appeal Tribunal relative to the appeal is implemented and may choose to make recommendations for policy and procedural changes arising from the disposition of the case.
- 4) The decision in the case, including an Appeal Tribunal's determination that the SAAC does not have jurisdiction to hear the appeal, is final and binding on the parties involved within the University.
- 5) The Secretary of Senate shall be informed of recommendations for policy and procedural changes and shall forward them to the responsible University authorities.
- 6) The SAAC reserves the right to retain copies of all records related to the appeal. This information shall be maintained by the SAAC Secretary (Director of Risk Management and Access to Information) and if required shall be made available to the President, the Chair of the SAAC, the Chief of the Appeal Tribunal, the Vice-Provost (Student Affairs), the Associate Vice-Provost Enrolment and Registrar, and, under the supervision of the SAAC Secretary, the student or instructor(s)/decision-maker in the dispute and the University Ombudsperson.

## **XI. Bias and the Appearance of Natural Justice**

The issue of impartiality of the SAAC is considered crucial. Therefore, a member of the Committee will be excluded from the Hearings when:

- that member has any emotional or financial interest in the outcome of the Hearing;
- that member has any affiliation with either party of such a nature or proximity as to give the appearance of partiality or bias;
- that member has been privy to information about the case obtained other than through the presentation of evidence at the Hearing or in documents filed by the parties.

Should a Committee member discover that he or she is in one of the positions described above, the member should inform the Chair and ensure that he or she has no contact with the Appeal Tribunal assigned the case.

[Form A – Request for Appeal of a Final Course Mark](#)

[Form B – Request for Appeal of an Academic Decision Other Than a Final Course Mark](#)



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[Form C – Lakehead University Application for a Hearing before the Senate Academic Appeals Committee](#)

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**Review Period:** 7 years;

**Date for Next Review:** 2020-2021;

**Related Policies and Procedures:** TBD;

**Policy Superseded by this Policy:** None.

The University Secretariat manages the development of policies through an impartial, fair governance process, and in accordance with the Policy Governance Framework. Please contact the University Secretariat for additional information on University policies and procedures and/or if you require this information in another format:

Open: Monday through Friday from 8:30am to 4:30pm;

Location: University Centre, Thunder Bay Campus, Room UC2002;

Phone: 807-346-7929 or Email: [univsec@lakeheadu.ca](mailto:univsec@lakeheadu.ca).