

 CAPILANO UNIVERSITY		POLICY	
Policy No.	Officer Responsible		
B.109	Vice-President Academic and Provost		
Policy Name			
Student Appeals			
Approved by	Replaces	Category	Next Review
Board	S1999-03 Academic Appeals; S2015-03 Student Appeals	C	June 2023
Date Issued	Date Revised	Related Policies, Reference	
June 19, 2018		B.701 Student Code of Conduct; B.401 Sexual Violence and Misconduct; S2018-01 Final Grade Appeal; S2017-05 Academic Integrity	

1 PURPOSE

- 1.1 This policy outlines when and how students can appeal academic determination(s) or non-academic determination(s).
- 1.2 Prior to filing an appeal under this policy, a student must have pursued and exhausted all other reviews, appeals, or remedies provided by Capilano University's other policies and procedures.

2 DEFINITIONS

Academic Appeals include Appeals regarding:

- a. the procedural fairness in application of the Final Grade Appeal Policy;
- b. the procedural fairness on the determination of the sanctions imposed on students under the Student Academic Integrity Policy; or,
- c. the procedural fairness in application of any other University Policy that impacts a student's academic standing.

Appellant – a student who claims an injustice or error has occurred.

Balance of Probability – the standard of proof used to determine findings of fact, requiring the evidence to show that the initial violation is more likely than not to have occurred.

Determination – the conclusion of an appeal by the rendering of a final decision based on a balance of probabilities. Determinations include, but are not limited to, sanctions imposed by a dean, vice-president or president.

Non-Academic Appeals include Appeals regarding:

- a. the procedural and substantive fairness of the determination of sanctions imposed on students under the Student Code of Conduct Policy;
- b. the procedural and substantive fairness of the determination of sanctions imposed on students under the Sexual Violence and Misconduct Policy; or,
- c. the procedural and substantive fairness of the determination made under any other University Policy that impacts the student's non-academic standing.

Respondent – the University instructor or administrator whose decision or determination is being appealed.

3 SCOPE

- 3.1 The original determination stays in effect unless and until it is overturned on appeal. This means that submitting an appeal will not prevent the decision being appealed from being enforced.
- 3.2 This policy has no jurisdiction to consider a decision where the student's appeal is based on a question of academic judgment.
- 3.3 The Student Appeals Committee (SAC) has sole jurisdiction to hear and make a final adjudication of appeals based on academic decisions or non-academic decisions not otherwise delegated to another body.
- 3.4 SAC holds final decision-making authority regarding appeals it considers. The findings of SAC represent the final decision of the university.

4 GROUNDS FOR AN APPEAL

In any appeal, the appellant must articulate the grounds for an appeal. All appeals are limited to the following grounds:

- a. On the balance of probabilities, that an injustice or error occurred when the determination of fact was made;
- b. A policy was incorrectly applied;
- c. The adjudicating body exceeded its legitimate jurisdiction or authority; or,
- d. Important evidence was ignored.

5 INITIATING AN APPEAL

- 5.1 Within twenty-one (21) calendar days of receipt of the decision that the appellant wishes to appeal under this policy, the appellant shall complete their application for appeal (see B.109.1 Student Appeals Procedures) and deliver it to the Registrar (see instructions online).

- 5.2 If the determination that is being appealed was made by the Registrar, the Vice-President Academic and Provost will appoint an administrator who has received the relevant training to act as Chair of the SAC for the duration of the appeal. The Vice-President Academic and Provost will inform the appellant through their Capilano University email regarding whom the Chair is as soon as the decision is made.
- 5.3 No matter shall be referred to the SAC unless the appellant has completed to the satisfaction of the Registrar (or designate) the application for appeal.

6 STUDENT APPEALS COMMITTEE

- 6.1 The SAC will create impartial tribunals to hear and determine appeals.
- 6.2 The Chair of SAC will be the Registrar (or designate).
- 6.3 The voting membership of SAC will be as follows:
 - a. Faculty members who are Senators with a minimum of one from each Faculty;
 - b. Faculty members who are not Senators with a minimum of one from each Faculty;
 - c. One student who is a Senator;
 - d. Three students who are not Senators;
 - e. One staff member who is a Senator; and,
 - f. Two staff members who are not Senators.
- 6.4 The Registrar, in consultation with the Office of Student Affairs, will arrange for relevant annual training for all members of the committee.

7 TRIBUNALS

- 7.1 When an appeal is scheduled, the Registrar (or designate) will name a three-member tribunal to hear and determine that appeal. The three members of the tribunal will be members of SAC. The Registrar (or designate) will not sit on tribunals.
- 7.2 For Academic Appeals, the tribunal will consist of two faculty members and one student.
- 7.3 Normally, for Non-Academic Appeals, the tribunal will consist of one faculty member, one staff member and one student. In the case of a highly sensitive matter, such as an appeal under the Sexual Violence and Misconduct Policy (B. 401), no student representatives will be included. In these cases, an extra faculty member will be added to the tribunal.
- 7.4 The tribunal will select a hearing chair from among the faculty members or staff members. Students are not permitted to chair tribunals.

- 7.5 The lack of availability of a student member will not prevent a tribunal from proceeding within the time frames required in the procedures. A faculty or staff member will be added if no student member is available.
- 7.6 If a faculty member or a staff member is not able to complete their duties on a tribunal, they must inform the Chair as soon as possible so that a new tribunal can be formed.
- 7.7 The appeal tribunal must both appear to be and be neutral in the matter under consideration. Any actual or apparent conflict of interest will disqualify a SAC member from sitting on a particular tribunal. The Registrar (or designate) will be responsible for ensuring that no tribunal member is in a conflict of interest. Examples of a conflict include situations where the member
- a. teaches, works or is enrolled in the same program area as the appealing student;
 - b. has a personal relationship with the appealing student or the official who imposed the discipline or grade; or
 - c. has some personal experience or professional involvement with the matter under appeal.
- 7.8 If any SAC member knows or suspects that any tribunal member has a conflict of interest that they have not declared, that SAC member has a duty to report that conflict to the Registrar (or designate). The Registrar (or designate) will convene a meeting of SAC to consider the report and, if necessary, vote on tribunal membership. The Registrar (or designate) will not vote. If external advice is required, the Vice-President Academic and Provost will obtain that advice.
- 7.9 This same process will apply when a student complains of a conflict on the part of a tribunal member.