
Student Appeal

PURPOSE

The purpose of this document is to guide a student through the process of appealing perceived unfair treatment arising from a College decision or action, and that has resulted in direct and significant adverse outcome for the student. This procedure is designed as a joint problem-solving process between the student and New Brunswick Community College (NBCC).

SCOPE AND LIMITATIONS

This process applies to academic and disciplinary decisions with the exception of remarking of grades as outlined in section 2.9 of Course Delivery and Evaluation of Learning (1109).

1.0 DEFINITIONS

None.

2.0 IMPLEMENTATION

2.1 Background

In most situations, disagreements should be resolved through informal means with the parties involved. If the issue cannot be resolved informally to the satisfaction of the student, or the student wishes to bypass the informal process for sufficient grounds, the student may request a formal appeal. In order to proceed through a formal appeal process, the Dean must agree that there are sufficient grounds for academic issues. The Director, Student Services must agree that there are sufficient grounds for behavioural conduct issues. Sufficient grounds for formal appeal include:

- compassion, health, or extenuating circumstances have occurred that are beyond the control of the student.
- an academic decision that has been made without due regard to proper policy.
- situations where relevant evidence emerges that was not available at the time of the original decision during a student assessment, informal appeal, etc.
- decisions that the student believes were biased.
- situations where the student believes the severity of the sanction imposed was not reasonable.

Students awaiting appeal hearings may continue to attend classes until decisions are made except in exceptional circumstances (e.g. health and safety concerns, ethical, professional, and behavioural issues). If attendance is denied, the Dean or Director, Student Services will notify students in writing with the reasons for the decision.

2.2 Informal Appeal

1. The student will meet with the appropriate College staff within five academic days of the incident which led to the dispute in order to discuss and attempt to resolve the dispute. Following discussion, the staff will provide a written response to the student within five academic days.
2. If the dispute is not resolved during the informal process or if the student does not wish to first pursue an informal appeal, the student may notify the Dean or Director, Student Services of their intent to initiate a formal appeal.

2.3 Formal Appeal

1. To begin the formal appeal, the student shall submit a signed written request to the Dean or Director, Student Services within five academic days of receiving written notice of the decision.
 - Appeals shall state the grounds upon which the appeal is based, providing supporting documents as evidence.
 - Receipt of the appeal request will be acknowledged within five academic days.
2. Within 15 academic days of receiving the request for the formal appeal, the Dean or Director, Student Services will do one of the following:
 - uphold the decision,
 - suggest alternatives, or
 - form a Student Appeal Panel.
3. The Dean or Director, Student Services shall advise the student and all other members of the Assessment Committee in writing of the grounds for their decision or set a Student Appeal Panel meeting date.
4. If the Appeals Panel is formed, the panel acts within NBCC's mandate and existing College policies. The panel provides an independent, internal review of academic and disciplinary decisions by assessing facts in the case and by attempting to resolve the issues that have been raised.
5. The Student Appeal Panel may be comprised of the following membership:
 - Dean for Academic issues, and Director, Student Services for behavioural issues or designate (Chair).
 - Academic Chair(s) or designate
 - Instructor(s) or other appropriate College staff members
 - NBCC student support representation.
6. Legal representation is not permitted to attend as guests. This is an internal appeal process upheld by NBCC.

7. Students are notified by the Dean or Director, Student Services of the meeting of the Student Appeal panel, its mandate, and responsibilities. Student input and participation to the assessment process is valued and encouraged. In the event the student does not attend, the meeting will take place in their absence.
8. The student is encouraged to attend the appeal meeting. Both staff and students have a right to provide input to the Student Appeal Panel.
9. The student is provided the opportunity to speak with the NBCC student support person prior to the appeal.
10. The student may be permitted to attend subsequent courses awaiting the decision of the Appeal Panel except in exceptional circumstances (e.g. health and safety concerns, ethical professional and behavioural issues). If attendance is denied, the Dean or Director, Student Services will notify students in writing with the reasons for the decision.
11. Decisions are made by a consensus and are final.
12. Records of the meeting are maintained as confidential records, denoting that “these confidential notes constitute the ‘official’ record of the meeting”.
13. The Chair ensures that the official minutes are marked “confidential” and should be maintained in the student’s official file.

3.0 OTHER RELATED DOCUMENTS

Student Issues and Complaints (1313)

Formal Complaint Form – Student (1313.4625)