



POLICY: Student Appeals Policy		POLICY NUMBER: AC-2-2
		PREVIOUS/REPLACES: Academic Appeals Policy, June 2008 Non-Academic Discipline Policy, Feb 2010
APPROVED BY: Executive Council	EFFECTIVE DATE AS OF: October 14, 2015	PRIOR VERSIONS: June 12, 2008

1. Policy Statement

Students have the right to expect the Manitoba Institute of Trades and Technology (to be referred to as MITT) to operate within a clear policy and process for acknowledging and deciding on student appeals. At all times, students are expected to make a reasonable attempt to resolve an issue at the lowest administrative level, and according to any other MITT policies pertaining to the situation. The following policy and procedure will be used to ensure that students have access to a fair and transparent appeals process.

Grounds for Appeal:

Students bear the burden of proof when establishing their claim during an appeal. This means that students may be required to provide additional information or evidence to demonstrate that their appeal has sufficient grounds to be considered by the next higher authority or the Appeals Committee.

Examples of what will not be recognized as grounds for administrative or academic appeals include, but are not limited to:

- Being close to the next highest grade
- Generally disliking or disagreeing with the instructor's grading criteria and grading scheme
- Generally disagreeing with the evaluation of, or grade assigned to the work in question
- Generally disagreeing with the disciplinary or other administrative action of MITT
- Generally disagreeing with an MITT rule, policy, or process
- Claims of being unaware of an MITT policy or rule

Examples of what will typically be recognized as grounds for administrative or academic appeals include, but are not limited to:

- Error in calculation
- Procedural errors (i.e. significant deviation of the published course outline without adequate notification)
- Credible claims of Instructor error in interpretation (i.e. misunderstanding the student's work, differences in interpretation of course materials, etc.)
- Credible claims of error, bias, bad faith, or unfairness on the part of MITT while enforcing a policy or procedure



2. Scope

The Student Appeals Policy applies to all students who are currently registered in a full- or part-time MITT program of study at the time of the appeal request. This policy will be used to resolve academic and administrative issues (See Definitions).

3. Procedure

Prior to requesting an appeal hearing with the Appeals Committee, students must demonstrate that a reasonable attempt was first made to solve the problem at the lowest possible level, which is typically the Instructor, or Admissions /Finance Officer. If the issue warrants consideration at the second level of the Dean, Academic Programs, Registrar or Director of Finance, or further at the highest level by the Appeals Committee, the student is *required* to consult with a Student Advisor or the Student Services Manager first. An Advisor or the student Services Manager will facilitate communication between the Dean, Academic Programs, Director of Finance, Registrar, or the Appeals Committee Chair. The Student Advisor or Student Services Manager will also facilitate the payment of the administrative fee required to be paid by the student to have their case heard by the Appeals Committee.

a. Levels of Appeal

i. First Level – This would typically include the frontline staff responsible for evaluating, deciding, or delivering the administrative or academic action that is being appealed. This may include:

- The front-line or administrative staff within the Office of the Registrar, Admissions, or Finance (Administrative Appeals); or
- An Instructor or the appropriate Academic or Program Coordinator (Academic Appeals).

Appeals at the first level must be initiated by the student **within 5 business days** of being informed of the academic or administrative action being disputed.

ii. Second Administrative Level – When a resolution cannot be found at the first level of resolution, the student must consult a Student Advisor or the Student Services Manager, and will be required to submit a written letter of appeal and all supporting documents to either:

- The Registrar, or the Director of Finance (Administrative Appeals); or
- The Dean, Academic Programs (Academic Appeals).

Appeals to the second level must be initiated by the student **within 5 business days** of being informed of the outcome from the first level of appeal.



When initiating a second-level appeal, the student's written letter of appeal must include:

- A personal statement outlining the situation and issue;
 - A clear description of the grounds for the appeal;
 - Evidence, including clear dates and timelines, that the student has already attempted to solve the problem at the first administrative level; and
 - The student must include any relevant supporting documents or other evidence to support their request.
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- The Dean, Academic Programs, Registrar, or Director of Finance will review the student's appeal request and supporting documents, and may choose to either mediate between the student and the first-level parties/departments to resolve the issue, or may choose to grant or deny the student's request.

 - If the decision of the Dean, Academic Programs, Registrar, or Director of Finance impacts the student's continuation in their MITT program, the student's documents will be reviewed and the appeal decided **no more than 10 business days** following the receipt of the appeal request.

 - If the decision of the Dean, Academic Programs, Registrar, or Director of Finance does not impact the student's continuation in their MITT program, the student's documents will be reviewed and the appeal decided on **no more than 15 business days** following the receipt of the appeal request.

 - If the appeal request is resolved by the Dean, Academic Programs, Registrar, or Director of Finance, they will provide a formal acknowledgement to the student that the matter is closed, and insure that the student's appeal documents and student record indicate that the matter was resolved. Copies of the student's appeal documents will be recorded in the MITT student record.

 - When the original academic or administrative action being appealed was initiated by the Dean, Academic Programs, Registrar, or Director of Finance (i.e. academic suspension, etc.), the only level of appeal remaining will be the Appeals Committee.



b. Appeals Committee

Where a student appeal cannot be resolved at the lower levels of appeal, an appeals committee will be formed to resolve the issue and will at a minimum, consist of the following MITT staff:

- Appeals Committee Chair (internal), appointed by the MITT Executive;
- 1 MITT Instructor approved by the MITT Executive, excluding any instructor involved in the previous levels of appeal;
- 1 MITT Management staff member approved by the MITT Executive, excluding any manager involved in the previous levels of appeal;
- Where it exists and is functioning, 1 current student from the MITT Student Council, Student Union, or other equivalent student body; **or**
- 1 additional MITT Management or Administrative staff member, approved by the MITT Executive, excluding any manager involved in the previous levels of appeal;
- An optional non-voting staff member appointed to record the minutes of the appeal hearing.

c. Quorum, Voting, and Membership

- Where the Chair is a voting member of the Appeals Committee, quorum will require a minimum of the Chair plus 2 other committee members, 1 of which must be from MITT Management staff.
- Where the Chair is a non-voting member of the Appeals Committee, quorum will require 3 voting committee members, at least 1 of which must be from MITT Management staff.
- The Appeals Committee Chair will be appointed by the MITT Executive for a period of 1 calendar year, for a maximum of 2 consecutive years, or until a new Chair has been appointed.
- The Student Services Manager is excluded from participating on the Appeals Committee due to the reporting relationship with any Student Advisors involved, but where applicable, may act as a witness or subject matter expert for the student or for the Appeals Committee.
- The Dean, Academic Programs is excluded from participating on the Appeals Committee in the case of an Academic Appeal, but is permitted to be a member of the Appeals Committee in the case of an Administrative Appeal.
- The Registrar and Director of Finance are excluded from participating on the Appeals Committee in the case of an Administrative Appeal, but are permitted to be a member of the Appeals Committee in the case of an Academic Appeal.
- Witnesses and/or subject matter experts may participate in an appeals hearing at the request of the student or the Appeals Committee. Witnesses and subject matter experts will not be given a vote on the Appeal Committee's final decision.



d. Formation and Role of the Appeals Committee

The Appeals Committee shall be considered the highest level of appeal possible, and the decision of the Committee will be considered final. The role of the committee is to research and impartially evaluate the evidence presented by the student in order to decide upon an appropriate course of action to resolve the issue. The Appeals Committee is in no way a civil or criminal court of law.

- If the student's request cannot be resolved by the Dean, Academic Programs, Registrar, or Director of Finance, the student will be required to pay a **\$100 administrative fee¹** to request a review and decision by the Appeals Committee. The administrative fee must be paid no more than **3 business days** following notice that the appeal was denied by the second administrative level. The fee payment will be facilitated by a Student Advisor or the Student Services Manager.
- Once the administrative fee has been paid, the student's appeal letter and documents will then be forwarded to the Appeals Committee Chair by the Student Advisor or working with the student, or by the Student Services Manager.

Note: If the student is submitting to the Appeals Committee new supporting documents or evidence which were not reviewed by the lower levels of appeal, these new documents/evidence should be reviewed by the Dean, Academic Programs, Registrar, or Director of Finance to possibly eliminate the need to form the Appeals Committee.

- The Appeals Committee Chair will be responsible for:
 - o Coordinating the required members of the Appeals Committee;
 - o Distributing all pertinent documentation to the Committee members;
 - o Coordinating witnesses and subject matter experts on behalf of the Appeals Committee;
 - o Notifying the student of the date, time, and location of the appeals hearing.

¹ If the student is successful in their appeal, the administrative fee will be refunded; if the student is not successful, no refund will be granted. Where the Appeals Committee grants an alternate resolution to the matter, the Committee will decide whether a refund of part, or all of the administrative fee is appropriate.



- If the decision of the Appeals Committee impacts the student's continuation in their MITT program, the Chair will schedule a hearing date **no more than 10 business days** following the receipt of the student's appeal documents.
- If the decision of the Appeals Committee does not impact the student's program, the Chair will schedule a hearing date **no more than 20 business days** following the receipt of the student's appeal documents.

e. The Appeals Hearing

- An appeals hearing will be held at the most convenient MITT campus location. The student is responsible for attending the hearing on the date and time specified by the Appeals Committee Chair. Once a hearing date has been set, it will not be rescheduled unless the student presents to the Chair extraordinary, unforeseen circumstances warranting consideration. The date/time of the hearing will not be adjusted to accommodate witnesses or subject matter experts requested to appear by the student or by the Appeals Committee.
- Only the matter outlined in the original appeal request will be considered at the appeals hearing. No new or unrelated issues will be addressed or decided on by the Committee.
- Where the student, witnesses, or subject matter experts fail to appear at the scheduled hearing, the Appeals Committee will proceed and decide the matter in their absence based on the evidence provided in the student's appeal documents. Where it has been communicated beforehand that the student will be unable to appear before the committee in-person, the student may choose to prepare an additional written statement to be read and reviewed in their absence by the Committee.

i. Rules of Order

The Appeals Committee Chair is responsible for ensuring that:

- Order is maintained during the hearing;
- All parties, witnesses, and subject matter experts are afforded an appropriate amount of time to state their side of the matter;
- Due diligence and fairness in the collection of evidence and information during the hearing, as well as during the questioning of witnesses and evaluating all information gathered.



- Students have the right to have one representative of their choice present with them at the appeals hearing. If this representative is an MITT Student Advisor or other MITT staff member, their role will be to ensure that the student understands the appeals process and the committee's final decision. An MITT staff member will not act as an advocate or speak on behalf of the student to argue the student's position. Where the student chooses a non-MITT staff person as their representative, that person may speak on the student's behalf at the Committee Chair's discretion.
- The student and any witnesses or subject matter experts called by the student or Committee will answer any questions posed by the Appeals Committee individually, without any other parties involved present. Only the Appeals Committee will be permitted to question the student, their representative, or any witnesses or subject matter experts.
- The Appeals Committee has the authority to dismiss a document or the testimony of a witness or subject matter expert if the information provided is not relevant to the original matter described in the appeal request.

F. The Appeal Committee's Final Decision

- The final decision and ruling of the Appeals Committee is final and will be based on either a two-thirds, or three-quarters majority, depending on the configuration of the Committee.
- The Appeals Committee will be allowed **up to a maximum of 5 business days** to deliberate and reach a final decision.
- The Appeals Committee may decide to:
 - o Grant the student's request as stated;
 - o Deny/dismiss the student's request;
 - o Amend the original action which resulted in the appeal;
 - o Provide any other resolution or remedy which is consistent with MITT policies and academic standards.
- The Appeals Committee Chair will be responsible for communicating to the student in writing, the Committee's final decision, as well as for communicating the decision to all relevant MITT departments and to the Registrar for inclusion in the student's MITT record.
- Individual committee member's votes are not required to be communicated to any of the parties involved in the appeal, and will not be recorded in the record of the hearing proceedings.



G. Guidelines for the Appeals Committee

The Appeals Committee members are tasked with evaluating only the fairness and appropriateness of the original administrative action taken against the student.

In all cases, the burden of proof is upon the student to provide evidence that they have been treated unfairly, or with error or bias within an MITT procedure or policy, or that the original action taken by MITT is unfair or inappropriate:

- If the evidence is incontestable and *not* in favour of the student, the decision should be to agree/support the original administrative action (i.e. suspension, failed grade, lost tuition, etc.).
- If the evidence is incontestable and *in favour* of the student, the decision should be to remove the original administrative action (i.e. suspension, failed grade, lost tuition, etc.).
- If the evidence is *questionable and favour cannot be determined within reason*, then the decision should be made to amend the original administrative action to a more appropriate
- One which reflects the evidence presented, and is consistent with MITT policies and academic standards.

Where the original grounds for appeal and/or the evidence presented is based largely on differing opinions, or “he says/she says”-type arguments, the Committee should look for patterns of behaviour from the student, Instructor, staff member, or witnesses to either confirm or refute the appropriateness of the original administrative action.

4. Administration

All MITT academic, administrative, and support staff are responsible for making the appeals policy and process accessible to students, and for allowing student concerns to be heard and addressed within the administrative levels described in the appeals process.

The Dean, Academic Programs, Registrar, and Director of Finance are responsible for insuring that the staff within their line of reporting are providing fair access to the appeals process at the first level of appeal (Instructors, Finance staff, Admissions staff, etc.).

The MITT Executive is responsible for insuring that the management staff within their line of reporting are providing fair access to the appeals process at the second administrative level of the Dean, Academic Programs, Registrar, and Director of Finance.

The MITT Student Services Manager and Student Advisors are responsible for assisting students to work within the appeals policy and process, and for understanding the decisions and actions which result.



5. Review

This policy will be reviewed as required by the Academic Council. In addition, this policy will be reviewed by Executive Council every five years.

6. References:

Students should refer to the following student policies and documents when considering their options for appeal, and the Appeals Committee should refer to:

- Student Behaviour Policy
- Student Discipline Policy
- Attendance Policy
- Student and MITT Expectations Policy
- MITT Computer and Telecommunications Usage Policy
- Work Practicum and Work Co-op Policy
- Program and Course Outlines (grade scale and distribution, deadlines, etc.)
- Tuition Payment and Refund Schedule (mitt.ca)
- Annual MITT Calendar (Program and Course entrance requirements and prerequisites, etc.)

7. Definitions:

Administrative Appeal – Where a student has grounds to show that a decision, ruling, or policy is unfair, unreasonable or arbitrary regarding tuition, registration, admissions, student status, or any other matters not related to program grades, evaluation, or student discipline.

Academic Appeal – Where a student has grounds to show that they have received a grade, evaluation, academic suspension or expulsion that is unfair, unreasonable or arbitrary. An academic appeal includes any matter relating to student behaviour or discipline.