

Policy Number:	5005
Policy Title:	Final Grade Review & Appeal
Approved by:	Senate
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1. Policy Statement

- 1.1. University Canada West (“**UCW**” or the “**University**”) recognizes the right of students to be fairly judged with respect to their academic work. This policy is intended to ensure that the University’s high academic standards are maintained, and that evaluation of students’ academic work is fair and appropriate. This policy provides students with the information and processes required to appeal their final grades in a course.
- 1.2. UCW adheres to the principles of natural justice and procedural fairness. All parties involved in reviewing Final Grades or in administering and adjudicating Final Grade Appeals must listen and respond objectively and fairly.

2. Purpose

- 2.1. This Policy is intended to ensure that the University’s high academic standards are maintained and that the evaluation of academic work is fair and appropriate. This policy provides students with the ability to request the review and appeal of their final grades.
- 2.2. This Policy specifies the grounds for academic appeals and the applicable review and adjudication processes.

3. Scope

- 3.1. This Policy applies to all students who are currently enrolled at UCW, or who were enrolled in the semester in which the Final Grade being appealed occurred.
- 3.2. This Policy applies to all Final Grades received by students at the University.
- 3.3. This Policy does not address matters related to non-academic student misconduct, or to the instruction, services, employees, or policies of the University.

4. Definitions

- 4.1. These definitions apply to terms as used in this Policy.

Term	Definition
Appellant	A student who requests an informal review or formal appeal of a final grade under this policy.
Appeal Records	Records created as a result of actions under this Policy.

Term	Definition
Bias	Prejudice in favor of or against one thing, person, or group compared with another, usually in a way considered to be <u>unfair</u> .
Department Chair	The head of the academic unit or a person authorized by the head of an academic unit, which includes the Chair of an academic department or of a Program or their designate.
Discrimination	The <u>unjust</u> or <u>prejudicial</u> treatment of different categories of people, especially on the grounds of ethnicity, age, sex, or disability.
Grade Appeal	A formal procedure that reviews a final grade assigned to a student for a course upon completion of that course.
Faculty Members	Includes Continuing Track, Continuing Appointment, Term, and Sessional faculty, or any other person responsible for the supervision or instruction of a course at UCW.
Final Grade	A mark of a student’s work as recorded on the official UCW transcript.
In Camera	A confidential meeting of committee members in which only voting members may attend unless others are requested or invited to attend by the Chair.
Material Evidence	Means evidence relating to facts or issues that are relevant to a dispute or appeal, and that can affect its conclusion or outcome by proving the grounds for an appeal or demonstrating that bias or discrimination has occurred. Material evidence may include, but is not limited to, any supporting documentation (<i>e.g.</i> , files, screenshots, assignment documents, course documents, emails, communication, <i>etc.</i>).
Natural Justice	Ensures that “individuals who are affected by administrative decisions be given the opportunity to present their case in some fashion. They are entitled to have decisions affecting their rights, interests, or privileges made using a fair, impartial, and open process which is appropriate to the statutory, institutional, and social context of the decision being made.” ¹
Procedural Fairness	Ensures that administrative decisions are made using a fair and open procedure, appropriate to the decision being made and its statutory, institutional, and social context, with an opportunity for those affected by the decision to put forward their views and evidence fully and have them considered by the decision-maker. ² Procedural fairness is variable, inherently flexible and context-specific, and the specific procedural requirements that the duty imposes are determined with reference to all of the circumstances. ³
UCW Community	All students and employees of the University, and all people who have a status at the University mandated by legislation or other University policies, such as research assistants, post-doctoral fellows, members of the Senate, members of the Board of Governors, volunteers, visiting and emeritus faculty, and visiting researchers.
Work	Means any material submitted in any medium or format to a faculty member for grading or feedback purposes, including any written material; laboratory, computer, or mathematical exercises; music, graphic, or art works; oral reports; group reports and presentations; audio-visual or taped presentations. This also includes individual work submitted as a component of a group assignment.

¹ JONES, D.P. & Anne S. de VILLARS, A.S. (2004) Principles of Administrative Law (4th edition), Thomson Carswell at p. 251.

² *Baker v. Canada (Minister of Citizenship and Immigration)*, [1999] 2 SCR 817, at para. 22.

³ *Canada (Minister of Citizenship and Immigration) v. Vavilov*, 2019 SCC 65 at para. 77.

5. Rights and Responsibilities

5.1. *Students* are responsible for:

- 5.1.1. contacting Faculty Members directly if they have a question or concern about grading for particular Work within a course, or with a Final Grade;
- 5.1.2. ensuring that they understand the grounds for an informal Final Grade review request or Final Grade Appeal and the possible outcomes;
- 5.1.3. retaining returned marked course materials; and
- 5.1.4. meeting the timelines and requirements stated in this Policy and related procedures.

5.2. *Students* have the right to:

- 5.2.1. have their Final Grades issued fairly and according to the University's policies;
- 5.2.2. have their Final Grade Appeals adjudicated fairly and impartially; and
- 5.2.3. have their Final Grade Appeals adjudicated in accordance with the principles of procedural fairness and natural justice.

5.3. *Faculty* are responsible for:

- 5.3.1. evaluating student Work in accordance with University policy, the syllabus, and other requirements provided to students in a given course;
- 5.3.2. maintaining clear records of the marks given for student Work throughout each semester, and weighing those marks to establish a Final Grade;
- 5.3.3. retaining marking records and any student Work for at least one year following the end of the semester;
- 5.3.4. providing grades to students in a timely manner;
- 5.3.5. responding to student concerns in a timely, objective, and fair manner, with the aim of resolving any disputes informally;
- 5.3.6. communicating the outcome of the informal review with the Office of Academic Operations; and
- 5.3.7. cooperating with the Department Chair (or designate), the Office of Academic Operations, and Academic Appeals Committee in the resolution of any request that the Faculty Member is unable to resolve directly.

5.4. The *Department Chair (or designate)* is responsible for:

- 5.4.1. reviewing grade change requests from Faculty before sending them to the Office of Academic Operations;

- 5.4.2. reviewing requests for Chair Final Grade Review at the informal review stage, and deciding the outcome; and
 - 5.4.3. communicating the outcome of the informal review with the Office of Academic Operations.
- 5.5. The **Office of Academic Operations** keeps records of informal reviews (Faculty and Department Chair), reviews appeals of the Department Chair's (or designate) decision, requests the appointment of an Appeals Panel if required, and processes and sends approved grade change requests to the Registrar's Office.
- 5.6. The **Chair of the Senate** appoints Academic Appeals Committee members.
- 5.7. The **Registrar (or designate)** convenes and Chairs the Appeals Panel, communicates the committee's decision to the appellant and the Office of Academic Operations, and edits the official transcript if a grade change occurs.
- 5.8. The **Appeals Panel** decides on the outcome of the appeal and informs the Office of Academic Operations if a grade change is required as the outcome of an appeal.
- 5.9. The **Registrar's Office** is the custodian of the record of appeal and provides Senate with an annual report on all academic appeals.

6. Academic Appeals Committee

- 6.1. The members of the Academic Appeals Committee will be appointed by the Chair of the Senate. The Committee will, at a minimum, consist of:
- 6.1.1. Nine (9) voting members, including:
 - Registrar (*ex officio*)
 - three (3) Faculty members, each from a different department
 - two (2) Department Chairs
 - two (2) student representatives (each from a different program)
 - 6.1.2. Non-voting members, including:
 - Senate Secretary (also the Secretary for the Committee)
- 6.2. The Chair of the Academic Appeals Committee will be the Registrar (or designate).

7. Appeals Panel

- 7.1. An Appeals Panel will consist of members appointed from the Academic Appeals Committee. Members appointed to the Panel will not have a conflict of interest with the appellant. Any Appeals Panel convened will consist of the following voting members:

- 7.1.1. Chair of the Academic Appeals Committee;
- 7.1.2. two (2) continuing Faculty members;
- 7.1.3. one (1) Department Chair; and
- 7.1.4. one (1) student representative.

8. Final Grade Reviews & Appeals

- 8.1. A Final Grade Review or Appeal must be supported by material evidence, and may only be made on one or more of the following grounds:
 - 8.1.1. a significant error in the assessment, evaluation, determination and/or calculation of the final grade or individual components of the course;
 - 8.1.2. credible claims of bias or discrimination on the part of the Faculty Member and/or Department Chair; or
 - 8.1.3. failure by the Faculty Member to follow the evaluation details stated in the course syllabus.
- 8.2. Individual items of Work (*e.g.*, such as exams, quizzes, and projects) may not be appealed. Students should discuss grades for individual course requirements with the Faculty Member as soon as possible after receiving the grade.
- 8.3. Disagreement or dissatisfaction with a Final Grade, without satisfying one of the above grounds, does not constitute sufficient grounds for a Final Grade Appeal.
- 8.4. A Final Grade Review or Appeal is not required to correct tabulation or recording errors in a Final Grade. Where a student believes such an error may have occurred, the student should bring the error to the attention of the Faculty Member as soon as the error is noticed so that the Faculty Member can make any necessary correction(s).

9. Decisions

- 9.1. An informal Final Grade review or a Final Grade Appeal may result in a grade being:
 - 9.1.1. raised;
 - 9.1.2. unchanged; or
 - 9.1.3. lowered.

10. Decision-Making Principles

- 10.1. Grade Appeals must be conducted in a manner which respects the academic expertise of the Faculty Member and academic unit within which a Final Grade originates.

Procedural Fairness

- 10.2. In the administration and adjudication of cases of informal Final Grade Reviews or formal Final Grade Appeals, Faculty, Department Chairs, the Office of Academic Operations, and the Academic Appeals Committee will be guided by principles of natural justice and procedural fairness.
- 10.3. In informal Final Grade Reviews or formal Final Grade Appeals, procedural fairness entitles a student to a fair process that includes the right to:
 - 10.3.1. be informed of the allegation(s), their rights and responsibilities in the process, and of all decisions made at each stage of the process;
 - 10.3.2. the support of an advisor or peer of their choosing at all stages of the process;
 - 10.3.3. have access to all the information that is being considered, including the right to view all written evidence;
 - 10.3.4. a meaningful opportunity to have their opinion heard and considered, including the right to make a submission and to provide responses to the submissions of others, with the student being allowed the final submission;
 - 10.3.5. an impartial and unbiased adjudicator;
 - 10.3.6. an expedient adjudication to normally take place within **sixty (60) calendar days** of the commencement of the case;
 - 10.3.7. meaningful reasons for the decision or outcome;
 - 10.3.8. be presumed innocent until a finding is made; and
 - 10.3.9. reasonable confidentiality.

11. Protection of Privacy

- 11.1. During the course of an informal Final Grade Review or formal Final Grade Appeal, sensitive personal information may need to be collected by, used, or disclosed to the University. Final Grade Appeal Records are treated as personal information as defined by the *Personal Information Protection Act* ("**PIPA**").
- 11.2. To the extent possible, the Final Grade Appeal Records will be treated confidentially, in compliance with *PIPA* and applicable UCW policies.
- 11.3. UCW, including its employees, must maintain confidentiality over the Final Grade Appeal Records, but may disclose personal information where appropriate, including where:
 - 11.3.1. it is needed to prepare or obtain legal advice;

- 11.3.2. disclosure is required by law;
 - 11.3.3. the University and its employees must use the information for the purpose(s) for which it was obtained or prepared, or for a use consistent with that purpose; or
 - 11.3.4. a University employee needs the information to perform their employment duties.
- 11.4. To protect the confidentiality of the Final Grade Appeal Records, all UCW employees who are involved in administering, investigating, or deciding the outcome of a Final Grade Appeal must:
- 11.4.1. make reasonable efforts to protect personal information and maintain confidentiality;
 - 11.4.2. collect the minimum information about individuals as possible, with the information collected being related directly to the Final Grade Appeal;
 - 11.4.3. use the Final Grade Appeal Records only for the purposes of, or those consistent with, administering, investigating, deciding, or taking other actions in relation to the Final Grade Appeal;
 - 11.4.4. limit the disclosure of the Final Grade Appeal Records to those within UCW who need to know the information to perform their employment duties; and
 - 11.4.5. disclose personal information only as permitted under *PIPA*.
- 11.5. Students must maintain confidentiality over all information provided to them during a Final Grade Appeal, except where disclosure is required by law or is necessary for the Student to fully participate in that investigation.
- 11.6. Any person involved in a Final Grade Appeal who breaches confidentiality may be subject to disciplinary sanctions according to the appropriate University policy.

12. Records

- 12.1. Final Grade Appeal Records must be marked and treated as confidential.
- 12.2. The Office of Academic Operations is responsible for maintaining the informal review (Faculty and Department Chair) records, and the Registrar is responsible for maintaining the Final Grade Appeal Records created as a result of actions under this Policy, including, but not limited to all Academic Appeals Committee records, case files, and a database of decisions.
- 12.3. Records created as a result of actions under this Policy must be retained, maintained, and disposed of in accordance with the document retention policies of the University.

13. Authority

- 13.1. This policy is administered under the authority of the Vice-President, Academic, who is responsible for the maintenance of this policy and the associated procedure.

14. Applicable Legislation

14.1. *Personal Information Protection Act*, S.B.C. 2003, c. 363

15. Related Policies

Policy Number	Policy Title
6750	Records Management
9012	Grade Scales, Calculations and Evaluation
9015	Student Records
9014	Student Rights and Responsibilities

16. Related Procedures

Policy Number	Policy Title
5005p	Final Grade Review & Appeal Procedure