
The Ombuds Guide: **The Appeal Process**

There is one appeal process which covers both academic and student conduct issues.

There are many forms of academic/conduct decisions. Some are made by individual faculty members, e.g., a grade on a piece of work or failing a student for plagiarism; some by staff around conduct issues; some by deans, the decision to expel a student from a course or program for inappropriate behaviour.

Before launching an appeal, you need to know:

- What is the established appeal procedure and deadlines?
- (<http://camosun.ca/about/policies/education-academic/e-2-student-services-&-support/e-2.4.pdf>)
- The reason/s behind the decision.
- Who has the power to overturn or modify the decision?

It is easy to feel overwhelmed by academic rules and bureaucratic procedures. Begin by rereading your course outline and reviewing the academic, conduct and appeal policy section(s) of the *Calendar*. Talk to the decision-maker, and listen closely to the explanation for the decision. Remember, it is the job of faculty, chairs, deans and staff to make decisions in accordance with rules, policies and practice, and also to be consistent in how they apply the rules. As a student you have access to the rules and policies, but very limited experience in the usual responses to similar issues. If a decision-maker has said "no" to dozens of requests like yours, saying "no" to your request may be the fairest decision.

Before you decide to appeal, consider what the appeal will involve, in terms of time and effort. Will it be worth it to you even if it is unsuccessful? Will the result become available in time to do some good? Are there risks involved which you feel you cannot afford to take? You may find it helpful to think about how you will feel if you do or don't appeal: will you be sorry six months from now?

When should you appeal?

You should think of appealing only when you believe you have a *good reason* for thinking that a decision should be different in your case. What counts, as a good reason will depend on the kind of decision you are appealing. Ask yourself these questions:

- Is there information about you or your circumstances that the decision-maker didn't know and which might have made the decision different?
- Did the decision-maker make a mistake about a rule, policy or some other thing that might make the decision invalid?
- Do you yourself know that the decision is not consistent with other decisions made in cases like yours?
- Were you misled or misinformed through no fault of your own so that you inadvertently did the wrong thing? (NB: this does not include missing a deadline you should have known about!)

If you cannot answer "yes" to one of the questions above or to a similar question, you probably do not have a good reason to appeal. But it is still important to try to understand the decision. You can always ask the decision-maker to explain it; or check policies in the College Calendar or other relevant document; or discuss the situation with the Ombudsman or a counsellor. There may well be another way to achieve your goal.

The benefit of the doubt

Many students assume that, in appeal situations, they should be given the benefit of the doubt. Others assume that it is hopeless to appeal unless they can prove, beyond a reasonable doubt, that a particular decision about them is unfair. Both these assumptions are incorrect.

The onus is usually on the student requesting the appeal to make the case. Appeals are decided on "balance of probabilities," which means that an unbiased decision maker who has heard all sides of the story and examined the evidence should be able to say: "The fair decision in this case is X, more likely than not."

Two particular points deserve specific mention. First, grade appeals of academic work of which there is no tangible record, such as an oral presentation, a performance, or a placement or practicum, normally do not result in a change of grade. If the decision-maker is persuaded that there is some doubt about the accuracy or fairness of the grade in such work, the only remedy available may be to have the student *repeat the work*. While a student may feel this is burdensome and unfair, and be frustrated because the judgment of a performance seems particularly subjective, there is normally no other solution. Second, most professional programs have responsibilities that go beyond the student and the College: to the public served by the profession and to the profession itself. If a student in a professional program is judged to be below the minimum standard in the program, the only remedy may be for the student to repeat work until the standard is attained to the satisfaction of the program.

Common misconceptions

1) *Getting Help*: Many students feel asking for help shows weakness. They believe that when they explain that they did not seek help for their problems, they will be perceived as noble or admirable. These are the kind of things students say when they believe this:

- "In my family, we always try to keep problems to ourselves."
- "I thought I could handle it."
- "I'm not the kind of person who goes to counsellors."
- "I didn't think my personal problems were anybody else's business."

We all value independence, but independence is not the same as not asking for help when you need it. The truly independent and determined person gets help when necessary in order to ensure that they achieve their goals. Think of "help" as reaching for the right tool for the job - not as showing weakness. Decision-makers, including Deans and tribunals like the Appeal Panel, are much more sympathetic to appeals from students who have accessed all the help available.

2. *Giving Up*: Not being the kind of person who gives up can be a good thing under some circumstances, but it is not admirable or sensible when you are failing a course; in a program of study for which you are unsuited; or in any struggle which is costing you more (in time, effort, nerves or money) than you can afford to pay. Instead of thinking of dropping that problem course as "giving up," consider that you are "cutting your losses," "rethinking your goals," or "containing the damage." Only you can protect your academic record from failure.

3. *Responsibility*: People sometimes confuse *responsibility with blame*. The College expects every student to take responsibility for ensuring the accuracy of his or her academic record, and for registering for the right courses to meet program requirements. The College also expects students to know about deadlines and to keep their faculty informed about whatever

might interfere with their academic obligations. The College sees itself as a *partner* in your education: not as a *parent*, and not as an *adversary*. Students who have difficulty grasping the distinction between *responsibility and blame* say things like:

- "How come I'm being punished now for something I couldn't do anything about!"
- "It's not my fault!"
- "How was I supposed to know?"

4. *Complaining*: Complaining is not viewed well in our culture, and nobody wants to be seen as a "Complainer and whiner." At the same time, we don't want anyone to take advantage of us. So when and how should we complain? And for what purpose?

If you feel you are not being dealt with fairly or receiving the service you have a right to expect, perhaps you can get fairer treatment if you complain *constructively*. Making your concerns known to those with the power to remedy the situation may trigger a process of change that will benefit others besides yourself.

A *constructive* complaint is one that focuses on how to fix a problem, rather than on blaming someone. It seeks change for the future instead of an apology for the past. Complaining constructively is easier if you do not feel that what went wrong was personal.

In considering appeals based on extenuating circumstances, decision makers such as chairs, deans and the Vice President of Student Services are more sympathetic when the student has taken some effective steps to deal with the problem situation. The first effective step may be getting past your own reluctance to complain. Remember this the next time you hear yourself saying things like:

- "I don't like to rock the boat."
- "I believe in live and let live."
- "I just wish someone would do something about it."
- "I've never been a complainer and I'm not going to start now."

RESOURCES

Names, phone numbers and office numbers of deans, chairs, and counsellors are listed in the Calendar. Most of the print resources listed below are available in more up-to-date versions at the College website: www.camosun.bc.ca

Academic Calendar ~(Registrar's Office; Office of the Ombudsman)

Continuing Education Calendar ~(Registrar's Office)

Many schools and departments put out their own guides, pamphlets or booklets.

Ombuds Office Handouts: other handouts in this series cover: resolving issues with instructors, cheating and plagiarism, student conduct policy, and dealing with difficult issues.

DECISION-MAKING LEVELS FOR APPEALS

Instructor

The Instructor is the person to whom you go first if you have a problem within or about a course.

Department

Within a *Department*, the *Chair* is responsible for decisions concerning individual student appeals. There may be a *Course Coordinator*. When in doubt about who to appeal to, ask an *Academic Advisor, Counsellor, or the Ombudsman*.

Schools

At the level of the *School*, decisions about individual student appeals are the responsibility of the *Dean of the School*. The Dean may ask *Counsellors, Committees or Departments* for advice.

Vice President Education and Student Services

The Office of the *VP-ESS* is the final stage of the appeal process. The *VP-ESS* may direct that a panel be convened, direct that a panel not be convened (deny the appeal), direct that some but not all of the issues raised in the initial stages of the appeal be presented to a panel, remit the matter back to the Dean for reconsideration with recommendations and/or directions, or direct that the matter be remitted for an independent academic reassessment.

The role of the Ombudsman in the appeal process

The Office of the Ombudsman may be contacted, confidentially, for assistance at any point in the appeal process. Remember that the Ombudsman is an advocate for Fairness and thus is neutral and will not take sides in an issue. She/he will inform you of your rights and responsibilities in regards to the appeal process. The Ombudsman may attend meetings in order to “level the power imbalance” that naturally exists between students and faculty and/or administrators, and to act as a mediator, if necessary.