

1.0 Purpose

This policy sets out requirements for processes to resolve issues raised by students about decisions taken by SKG that concern them.

SKG is committed to fairness and principles of natural justice in resolving concerns raised by students.

2.0 Definitions

“Academic Advisory Circle” and “Circle” means the group of individuals appointed by SKG’s board to provide guidance and advice to the board concerning SKG’s academic mission and its services and supports to students.

“Appeal” in this policy means a student’s request for a formal review of a decision where another policy of SKG establishes a right to such a review.

“Board” means SKG’s board of governors.

“Director of Academics” means the President of SKG, or an individual designated by the President, who is responsible to administer SKG’s academic mission, regardless of the title of that position.

“Elder Advisor” means an elder who is a member of an Anishinaabe community who has been requested by SKG to assist in a process of conflict resolution.

“Employee” means a person who performs work for wages in any capacity for SKG.

“Instructor” means an employee of SKG who is responsible for teaching, evaluation, academic supervision, and/or related activities for credit and non-credit courses, and/or responsible for evaluation of students in any other activity that is part of SKG’s academic mission. It includes all such employees, whether faculty members or contract employees.

“Student” means an individual registered in a course or program of study at SKG, whether full-time or part-time.

“SKG” means Shingwauk KinooMaage Gamig.

3.0 Resolution by means other than appeal is encouraged

SKG encourages students to:

- Make use of informal means to reach resolution of their concerns, including, where applicable, discussion with their instructor and the Director of Academics.

- Participate in a resolution process involving an Elder Advisor based on principles of restorative justice, where this is allowed by the relevant SKG policy and recommended by the Director of Academics.

Students are encouraged to request an appeal only when these other available means have been attempted without success.

4.0 Allowable appeals

Students may appeal decisions that concern them where a policy of SKG establishes a right of appeal.

4.1 Decisions that may be appealed

The following table summarizes provisions of SKG policies that establish a student’s right of appeal.

Appeal of decisions concerning	Policy	
Academic suspension Suspension for academic misconduct Recognition of transfer credits earned while on suspension	ACAD 02: Academic Standing	Section 7
A grade, where the issue or issues at stake concern the application of SKG’s student evaluation policy, specifically: <ul style="list-style-type: none"> • Whether the method of evaluation was not valid or reasonable in the circumstances; • Whether the evaluated material or content deviated substantially from the course outline without reasonable notice; or • Whether SKG’s policies concerning evaluation of students’ academic achievement were misapplied. 	ACAD 03: Evaluation of Students’ Academic Achievement	Section 4
A finding that a student has committed academic misconduct, and A penalty determined for academic misconduct.	Procedure for ACAD 05: Academic Integrity and Misconduct	Section 5

Appeal of decisions concerning	Policy	
<p>A decision of an adjudicator following an investigation of a student’s non-academic misconduct, but only where the appeal alleges that:</p> <ul style="list-style-type: none"> • A significant error occurred where the processes set out in the procedure were not followed correctly; • There is clear evidence of a significant conflict of interest on the part of a decision-maker; • The outcome is disproportionate with the precipitating incident(s); or • Significant new evidence is available that was not available at the time of the decision, which has the potential to change the outcome of the case. 	<p>Procedure for ACAD 06: Student Conduct (Non-Academic)</p>	<p>Section 9.4</p>
<p>A decision and/or sanctions resulting from the investigation of sexual harassment or violence involving another student, but only if the person seeking the appeal demonstrates that:</p> <ul style="list-style-type: none"> • There has been a fundamental procedural error in the making of the final decision and that such error has caused or will cause actual prejudice to the person seeking the appeal; or • There are new facts relevant to the final decision that were not available and could not have been provided to the investigator. <p>Either the complainant or the respondent in an investigation may request an appeal.</p>	<p>Procedure for ACAD 07: Sexual Harassment and Violence Involving students</p>	<p>Section 9.6</p>
<p>An academic accommodation plan to address a student’s disability or disabilities, and/or</p> <p>A decision not to provide an academic accommodation requested by the student.</p>	<p>Procedure for ACAD 09: Accommodations for Students with Disabilities</p>	<p>Section 7.1</p>

Appeal of decisions concerning	Policy	
Ownership of intellectual property and/or the implementation of other aspects of the ACAD 15 policy.	ACAD 15: Indigenous Data Sovereignty, Intellectual Property, and Copyright	Section 8

SKG’s policy concerning tuition and fees (ACAD 11) also allows students to appeal decisions about tuition and fees owing if they experience a serious illness or a death of an immediate family member that causes them to drop courses. Some consideration may be given for other life crises outside of a student’s control. The process for such appeals is set out in ACAD 11 Tuition and Fees. That appeal process does not involve the processes addressed in this policy (ACAD 10 Student Appeals).

4.2 Amendment of list of decisions that may be appealed

The Director of Academics may amend the immediately preceding section of this policy (titled “Decisions that may be appealed”) without approval of the board if the board has approved a new policy or an amendment of a policy that affects students’ rights of appeal.

5.0 Process of appeal

Students’ appeals shall be considered and decided by a committee of the Academic Advisory Circle.

5.1 Provisions concerning student appeals in other SKG policies

Where another SKG policy sets out requirements for a student appeal process that conflict with this policy, or sets requirements in addition to the provisions of this policy, the specific relevant provisions of that other policy prevail over this policy.

5.2 Requesting an appeal

Students wishing to appeal a decision, where an appeal is allowed under another SKG policy (as summarized in the section of this policy titled “Decisions that may be appealed”), shall make a written request for an appeal to the Director of Academics, and include in that request:

- The reasons for the appeal,
- An explanation of steps that were previously followed in attempts to resolve the matters about which an appeal is requested, and
- Where applicable, new information relevant to consideration of the appeal.

Where the relevant policy requires a different manner of requesting an appeal, or includes additional requirements, the specific relevant requirements of that policy prevail.

5.3 Responsibilities of the Academic Advisory Circle respecting student appeals

SKG's Academic Advisory Circle (Circle) shall establish a committee with responsibility to consider appeals allowed by this policy.

- The Circle may establish an ad hoc committee to consider a specific appeal, or a standing committee to hear all (or most) appeals.
- All members of the Circle may also consider an appeal, as a committee of the whole.
- An appeal committee established by the Circle shall include at least three members appointed to the Circle by the board.

The committee of the Circle shall consider the student's appeal and determine a resolution of the appeal in a timely manner.

The committee shall first consider whether the student's request meets applicable requirements for an allowable appeal under the policy that is relevant to the matters of the requested appeal, and determine whether to proceed to consider the appeal.

If the committee of the Circle decides to proceed with the appeal, the committee:

- Shall respect principles of natural justice in considering the appeal, including provision of adequate notice to the student and others of proceedings to consider the appeal, impartiality and avoidance of conflicts of interest of decision-makers, and allowing the student to present their reasons for the appeal.
- Shall have access to all relevant information concerning the student's appeal.
- May meet with the student, an advocate or legal representative of the student if the student so chooses, instructor, and/or employees of SKG involved in the matters under appeal.
- May seek and consider advice from experts external to SKG (without disclosure of personal information unless with the consent of the student).
- May seek and consider advice of all members of the Academic Advisory Circle.
- Shall consider:
 - The student's reasons for the appeal;
 - Perspective and advice of the Director of Academics and other employees of SKG involved in the matters under appeal; and
 - Other appropriate and relevant matters at the discretion of the committee.
- Shall render a decision.

The decision of the committee of the Circle shall be final.

5.4 Students' rights to support and/or representation

A student may bring a support person and/or be accompanied by a legal representative in any proceeding or meeting involving the student under this policy.

Support persons and representatives are expected to respect the provisions of this policy concerning confidentiality and other expectations explicitly set out in relevant sections of this policy.

5.5 Outcomes of an appeal

The outcomes of an appeal decided by the committee of the Circle shall be consistent with the outcomes of an appeal that are allowed in the SKG policy that addresses the matter of the student's appeal (as shown in the table above in the section of this policy titled "Decisions that may be appealed").

5.6 Records and confidentiality

All documents pertaining to an appeal shall be kept confidential except to the extent required or permitted by SKG's policies and procedures or otherwise required by law.

Copies of all documentation shall be readily accessible to any decision-makers involved with the appeal process.

The Director of Academics shall ensure that documentation related to appeals is collected and preserved. Documentation to be preserved includes notes of meetings and proceedings, and documentation of the outcome of the appeal. This documentation shall be securely kept apart from other student records (with the exception of outcomes to be noted on students' academic records and transcripts).

6.0 Related Policies, Procedures & Documents

The section of this policy titled "Decisions that may be appealed" lists relevant policies that include provisions for appeals of decisions concerning students.

HR 07 Conflict Resolution and its associated procedure address a process for resolution of concerns involving an Elder Advisor.

SKG's policies and procedures may be found on its website.

7.0 Responsible Officer

Director of Academics

8.0 Version history

Board's approval pending recommendation of Academic Advisory Circle: December 2023

Recommended by Academic Advisory Circle: ADD DATE when completed

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