

FACULTY OF GRADUATE STUDIES AND RESEARCH

ACADEMIC APPEALS PROCEDURES

Approved by Faculty of Graduate Studies and Research Council June, 2019

Introduction

The application of Faculty regulations and decisions regarding student's academic standing may become the subject of dispute and occasionally a formal appeal.

Appeal situations are usually avoidable and the Faculty of Graduate Studies and Research advocates early and informal resolution of concerns. Students are therefore encouraged to seek early advice from Department Advisors/Graduate Program Assistants, and to resolve their issues first through their Program's established procedures, wherever possible. Should an impasse be reached at the Department level, matters in dispute can be taken up with FGSR.

This document sets out the Faculty's regulations governing informal petitions and formal appeals. The Faculty recommends that students consult with the Office of the Student Ombuds for advice in formulating appeals and to be assigned advisors for appeal hearings (<https://www.ualberta.ca/current-students/ombuds>; 2-702 SUB, 780-492-4689, gradomb@ualberta.ca).

The procedures followed by Associate Deans, FGSR are outlined in the Code of Student Behaviour, Section 30.5.7 (<https://cloudfront.ualberta.ca/-/media/universitygovernance/documents/resources/policies-standards-and-codes-of-conduct/cosb-updated-july-1-2018.pdf>).

Petition Process: In accordance with General Faculties Council (GFC) policy, a student may informally petition the Associate Dean, Faculty of Graduate Studies and Research (FGSR). Regardless of whether or not a student initiates an appeal, however, the Associate Dean may issue any remedy, including a remedy that waives the Faculty's academic standing regulations as approved by GFC and published in the University *Calendar*. This informal process is meant to precede and to avoid formal appeal, but does not preclude formal appeal to the FGSR Academic Appeals Committee (FGSR AAC). Any informal petition must be made to the FGSR, at the time the student is notified by the Associate Dean, FGSR of a departmental recommendation to change the student's academic standing. The decision of the Associate Dean concerning petitions at the FGSR level is final.

Appeals Process: Academic Appeal Regulations set out by the FGSR Faculty Council are attached. These Regulations describe the formal procedures available to students in appealing academic decisions of the FGSR related to their programs once they have exhausted all the informal channels.

If a student decides to proceed with an appeal, it must be submitted to the Chair of the FGSR Academic Appeals Committee within **15 working days** of receipt of the letter from the FGSR outlining its decision to change the student's academic standing.

Formal appeals must be sent to:

Chair, Academic Appeals Committee, c/o FGSR Appeals Coordinator; Killam Centre for Advanced Studies; 2-29 Triffo Hall; University of Alberta; Edmonton, Alberta; T6G 2E1

If there are questions or if further information about appeals and procedures is required, please contact the FGSR Appeals Coordinator, Dena Giroux at (780) 492-5235 or dgiroux@ualberta.ca.

Should an academic standing appeal to the FGSR Academic Appeals Committee be denied, a student may then appeal to the General Faculties Council Academic Appeals Committee (GFC AAC), unless the hearing of the appeal would exceed that committee's jurisdiction¹. The GFC AAC is the highest level of appeal at the University of Alberta. The decision of the GFC AAC is final and binding. The GFC AAC can only hear appeals that are based on a miscarriage of justice. There is a **15 working day** appeal deadline. GFC AAC regulations are available from University Governance, 3-04 South Academic Building (SAB); 780-492-2655 or

<https://cloudfront.ualberta.ca/-/media/universitygovernance/documents/resources/policies-standards-and-codes-of-conduct/aap-updated-july-1-2018.pdf>

GFC appeals must be submitted to the Appeals and Compliance Officer in University Governance.

Definitions

Academic Standing: refers to any matter covered in a Faculty's academic standing regulations as approved by General Faculties Council (GFC), its Executive or the GFC Academic Standards Committee and as published in the *Calendar*, including such matters as continuation in a program, graduation and the requirement for a Student to withdraw.

Advisor: an individual selected by the graduate student or the Associate Dean to advise the student or Associate Dean during the appeal process.

Appeal: a formal request to overturn an adverse decision affecting a student's academic standing.

Appellant: means a graduate student appealing a decision of the FGSR affecting academic standing at the University.

Chair: means the Chair of the *FGSR Academic Appeals Committee*.

Committee: means the *FGSR Academic Appeals Committee*.

Council: refers to the Council of the Faculty of Graduate Studies and Research.

Dean: means the Dean of the Faculty of Graduate Studies and Research or designate.

Department: means the Department or academic unit/program which has made the original recommendation leading to the FGSR decision concerning a graduate student's academic standing.

Examination decisions: of FGSR include results of examinations in individual courses, thesis and dissertation defences, candidacy examinations and examinations required as part of graduate programs.

Faculty or FGSR: means the Faculty of Graduate Studies and Research (in all references in this document) and includes any person or body who has exercised or is exercising any power of the Faculty with respect to academic standing (where the term appears in the lowercase, as, faculty, it refers to full-time academic staff).

FGSR Appeals Coordinator: refers to the person responsible for the administration of the *FGSR Academic Appeals Committee*.

GFC: means the University of Alberta General Faculties Council.

Hearing: the opportunity for the Appellant and the Respondent to present the case in person to the *FGSR Academic Appeals Committee*.

In camera: in private.

Miscarriage of justice: means failure on the part of a Faculty to make a decision with respect to academic standing in a fair and equitable manner in the light of the procedures, standards and circumstances applicable in the case of an Appellant.

Panel: refers to the group of three persons that hears individual cases in an academic appeal.

Panel Chair: means the Chair of a particular FGSR academic appeal Panel.

Petition: an informal request to waive, in a particular case for stated reasons, a Faculty regulation which involves discretionary power and permits exceptions.

Program: means the degree and specialization in which a student is registered (programs are offered by departments, non-departmentalized faculties, or extra-departmentally).

Respondent: means the Faculty of Graduate Studies and Research as represented by the Dean or by that person designated by the Dean to represent the Faculty, usually an Associate Dean.

Working day: means a day on which the University administrative offices are open.

Faculty of Graduate Studies and Research (FGSR) Academic Appeal Regulations

Approved FGSR Council 73/02; revised 85/09; 91/03; 08/09; 11/09; 12/06; 12/09; 15/11; 19/05

Appeal situations normally involve a recommendation by a Department and a subsequent decision by FGSR that students withdraw from the Faculty or from their academic programs.

This document sets out the formal regulations by which academic standing decisions may be appealed. The Faculty of Graduate Studies and Research, however, advocates early and informal resolution of issues. Graduate students are encouraged to seek early advice from their Department and from the FGSR.

The Academic Appeals Committee is a standing committee of the Faculty of Graduate Studies and Research Council pursuant to section 1 of the General Faculties Council Policy Manual.

1. The Jurisdiction of the Committee

- 1.1. The Committee shall hear and determine appeals from Appellants against decisions of the FGSR, or individuals acting under the FGSR's authority, with respect to decisions which affect academic standing.
- 1.2. The Committee shall have no jurisdiction to hear an appeal until the Appellant has exhausted all informal procedures and formal appeals available within the Department.
- 1.3. The Committee shall have no jurisdiction to hear an appeal with respect to:
 - 1.3.1. the academic judgments inherent in marks or grades awarded in individual courses¹;
 - 1.3.2. the examination decisions of FGSR;
 - 1.3.3. decisions to refuse admission or re-admission to the Faculty;
 - 1.3.4. decisions relating to the granting of credit for courses taken or to be taken outside the University of Alberta;
 - 1.3.5. a decision which is deemed to be disciplinary²;
 - 1.3.6. a decision on academic standing arising from a discipline matter³.
 - 1.3.7. a decision on academic standing where the Appellant was granted relief by the Faculty with written conditions and specified consequences should the conditions not be met, and the Appellant was both informed of the right of appeal at the time the conditions were set and the Appellant did not appeal said conditions and specified consequences within the specified time, or was unsuccessful in their appeal.
- 1.4. Individual Panels shall determine whether or not cases are within their jurisdiction.
- 1.5. The grounds for an appeal shall include but not be restricted to decisions of the FGSR based on the following:
 - 1.5.1. procedural errors on the part of a Department and/or FGSR;
 - 1.5.2. failure of the Department and/or FGSR to consider all factors relevant to the decision being appealed;
 - 1.5.3. bias or discrimination against the Appellant on the part of either the FGSR or Department or faculty member of the Department who exercises supervision over the graduate student;
- 1.6. If an Appellant or Respondent has new information the following shall apply:
 - 1.6.1. In the case that the Appellant or Respondent produces new information prior to the FGSR appeals Panel hearing, the Respondent can request that this information be heard first within the Department prior to the start of the FGSR academic appeals Panel hearing.

¹ Marks and grades may be appealed under procedures endorsed by the Faculty Councils under whose auspices a course is offered. Advice can be sought from the Faculty which offered the course, or from the Student Ombudservice.

² Refer to the Code of Student Behavior for policy related to appeal of a disciplinary decision.

³ Refer to the Code of Student Behavior for policy related to appeal of an academic standing decision which arises from a discipline matter.

1.6.2. In the case that new information is introduced during an FGSR academic appeals Panel hearing, it will be at the discretion of the Panel to decide, after consultation with the Respondent, whether a new Department hearing should be held or whether the Faculty hearing should proceed.

1.7. The Committee shall receive an appeal from an Appellant against a decision only once.

2. Powers of a Panel

2.1. The decision of a Panel shall be either:

2.1.1. to uphold the appeal and direct the Respondent as to further action;

2.1.2. to deny the appeal.

2.2. Decisions of Panels may be appealable by the graduate student to the GFC Academic Appeals Committee (in accordance with GFC APP 1.4.1.3; see 7.1).

3. Composition and Terms of Office

3.1. The Committee consists of the Chair and 10 FGSR Council members, comprising 6 faculty and 4 graduate students who are FGSR Council members at the time of their appointment.

3.2. The faculty members shall be appointed by the FGSR Council upon nomination of the Dean. In selecting committee members, the aim shall be to ensure equitable, diverse, and inclusive representation.

3.3. The student members shall be appointed by the Graduate Students' Association Council. In selecting committee members, the aim shall be to ensure wide representation.

3.4. Normally terms of office shall be for two years.

3.5. The Chair of the Committee shall be appointed by the Dean and shall serve for a term of office determined by the Dean. If the Chair is not appointed from among Council members, the Chair shall be appointed as an ex officio, non-voting member of Council.

4. Procedures

4.1. An appeal shall be instituted by the delivery to the Chair of the FGSR Academic Appeals Committee of a written statement signed by the Appellant setting forth the decision being appealed, the name of the person or body making the decision, the grounds for appeal and the relief requested [see 9. Service and Notice].

4.2. The Appellant may initiate an appeal within 15 working days of having been notified of the adverse Faculty decision.

4.3. Upon receipt of the appeal, the Chair shall notify the FGSR Appeals Coordinator who will then inform the Appellant and Respondent of the full Committee membership [see 9. Service and Notice]. In order to ensure that no person with a prior bias would be selected to serve on a Panel, the Appellant and Respondent will be given 5 working days, from receipt of the Committee membership information, to lodge a challenge with the Chair. Should the Chair select a Panel member from the FGSR Council, the Appellant and Respondent will be given the list of FGSR Council members and will have 5 working days to challenge inclusion of a new FGSR Council member on the Panel. If a Panel member needs to be selected from the University's full-time continuing staff and/or graduate student population at large, the Appellant and Respondent will also have 5 working days to challenge the inclusion of this member on the Panel [see 4.7 below]. The Vice-Provost and Dean of Students (or academic designate) may be asked by the Chair to adjudicate on any challenge, whose decision will be final and binding.

4.4. The Respondent will have 15 working days from the receipt of the Appellant's written appeal, delivered by the Chair to the Respondent, to provide a written response [see 9. Service and Notice].

- 4.5. The Chair will set a time and place for the hearing of the appeal within a reasonable time. The Appellant and Respondent will be given a minimum of 10 working days' written notice of the time and place of the hearing [see 9. Service and Notice]. The requirement of 10 working days' notice may be waived if there is unanimous agreement of the Chair, the Appellant and the Respondent.
- 4.6. Once a hearing date is set, each party must inform the FGSR Appeals Coordinator at least 5 working days prior to the hearing whether it is their intention to call witnesses⁴, and if it is, to provide the name of each witness.
 - 4.6.1. Any request for witnesses from the Appellant or Respondent shall be made through the FGSR Appeals Coordinator who will forward such requests to the Panel Chair and the Panel Chair's decision shall be final and binding.
 - 4.6.2. Each party is responsible for securing the attendance of their witnesses at the hearing. The FGSR Appeals Coordinator shall ensure that as witnesses become known, the other party and the Panel members are provided with the names of the witnesses.
- 4.7. For each appeal hearing, the Chair will select from the Committee a Panel consisting of:
 - 4.7.1. one faculty member who will chair the Panel (this may be the Chair),
 - 4.7.2. one faculty member,
 - 4.7.3. one graduate student.
 - 4.7.4. No Panel member may be selected who was involved in making a departmental recommendation or a Faculty decision concerning the Appellant.
 - 4.7.5. The Chair may appoint members of the FGSR Council who are not members of the Committee to serve on a Panel, if:
 - 4.7.5.1. all members are unavailable or ineligible for a particular hearing;
 - 4.7.5.2. failing to find sufficient membership in the Council, the Chair may appoint from the University's full-time continuing faculty and/or graduate student population at large to constitute the Panel according to the regulations set out in this subsection.
- 4.8. The Appellant and Respondent may each be accompanied by an Advisor.
- 4.9. If the time of the hearing is after the start of classes in a term later than the one for which the appealed FGSR decision was rendered, the Appellant will normally be permitted to register while the appeal is being conducted. This registration includes the following provisions:
 - 4.9.1. the graduate student may register and attend classes.
 - 4.9.2. the graduate student may conduct research as appropriate for the program, where feasible.
 - 4.9.3. the graduate student retains the normal accesses and privileges of students registered in that program.
 - 4.9.4. if the appeal is denied, the Appellant's registration will be cancelled retroactive to its commencement and no credit will be issued for work completed while temporarily registered. Fees paid for the period will be remitted.
 - 4.9.5. Notwithstanding the above, the registration and/or any of the stated accesses and privileges will not be permitted if a case of safety or security is involved (e.g., arising from non-academic Code of Student Behaviour or protocol matters being revealed to FGSR).
- 4.10. Prior to the hearing, the Panel Chair is empowered to make rulings on matters of procedures that might arise.
- 4.11. The hearings of a Panel shall be governed by such procedures as the entire Committee shall from time to time decide, subject to the following:

⁴ At the request of the Appellant, Respondent, or Panel Chair, the Appellant's supervisor(s) may attend and be entitled to give evidence at the hearing.

- 4.11.1. the quorum of the Panel shall be all three members of the Panel;
- 4.11.2. decisions of the Panel shall be by majority vote;
- 4.11.3. hearings of the Panel will be closed and restricted to members of the Panel, the Appellant and Respondent and their Advisors, and those described in 4.7 (unless the Panel, upon the request of the Appellant or Respondent, decides otherwise through mutual agreement);
 - 4.11.3.1. witnesses will be present only during their questioning.
 - 4.11.3.2. at the request of the Panel Chair, the FGSR Appeals Coordinator may attend all or part of the hearing for administrative purposes and/or to provide procedural advice.
- 4.11.4. prior to hearing evidence, the Panel shall:
 - 4.11.4.1. determine that the appeal falls within its jurisdiction and;
 - 4.11.4.2. take such steps as are necessary to familiarize itself thoroughly with the relevant departmental regulations which shall be provided by the Department.
- 4.11.5. Both parties shall present themselves at the hearing to give evidence and to answer questions.
- 4.11.6. Both parties and the Panel may call evidence and question witnesses.
- 4.11.7. Subject to existing University policy governing the confidentiality of information, all documents provided by the Appellant and Respondent for the appeal shall be made available to the Panel and to both parties.

5. FGSR Academic Appeal Hearing Procedures

- 5.1. If a Panel decides that there is need, the hearing can be adjourned. At the time of such adjournment, the Panel will determine when it will reconvene the hearing.
- 5.2. A Panel is empowered to establish further procedures⁵ if it determines that there are extraordinary circumstances in a given case to warrant such procedures.
- 5.3. The Panel is empowered to make rulings on matters of procedures that might arise. The rulings are binding.

6. Each hearing will be conducted as follows:

- 6.1. Opening statement by the Panel Chair, to include:
 - 6.1.1. decision of the Panel as to whether the appeal falls within the jurisdiction of the FGSR Academic Appeals Committee;
 - 6.1.2. confirmation that all relevant documents have been received and distributed to the Appellant, Respondent, and Panel members;
 - 6.1.3. rules of decorum, review of the procedures of the hearing, including the order of appearance of witnesses, if any.
- 6.2. Opening statement by the Appellant (and/or Advisor) and present the case.
- 6.3. Opening statement by the Respondent (and/or Advisor) and present the case.
- 6.4. Questions (all of which are directed through the Panel Chair):
 - 6.4.1. from the Panel to the Appellant.
 - 6.4.2. from the Panel to the Respondent.
 - 6.4.3. from the Appellant to the Respondent or to the Panel.
 - 6.4.4. from the Respondent to the Appellant or to the Panel.

⁵ In some cases, possibly those when the Appellant may feel overly anxious, the Panel may choose to have questions posed to the Appellant (and/or Advisor) directly after their opening statement rather than wait to hear the Respondent's (and/or Advisor's) opening statement(s). The Respondent (and/or Advisor) would then have opportunity to give an opening statement and then respond to questioning.

- 6.4.5. the Panel Chair asks all present whether they have had sufficient opportunity to question.
- 6.5. Appearance of witnesses, if any, one at a time (witnesses may ask questions about procedures).
 - 6.5.1. Witness(es) for the Appellant
 - 6.5.1.1. questioned by the Appellant (and/or Advisor).
 - 6.5.1.2. questioned by the Respondent (and/or Advisor).
 - 6.5.1.3. questioned by the Panel.
 - 6.5.2. Witness(es) for the Respondent
 - 6.5.2.1. questioned by the Respondent (and/or Advisor).
 - 6.5.2.2. questioned by the Appellant (and/or Advisor).
 - 6.5.2.3. questioned by the Panel.
 - 6.5.3. Witness(es) for the Panel
 - 6.5.3.1. questioned by the Panel.
 - 6.5.3.2. questioned by the Appellant (and/or Advisor).
 - 6.5.3.3. questioned by the Respondent (and/or Advisor).
- 6.6. The Appellant (and/or Advisor) may present any evidence the Appellant (and/or Advisor) may have by way of rebuttal.
 - 6.6.1. Such evidence shall be subject to questioning by the Respondent (and/or Advisor); followed by the Panel.
- 6.7. Closing statement by the Appellant (and/or Advisor); not subject to questioning.
- 6.8. Closing statement by the Respondent (and/or Advisor); not subject to questioning.
- 6.9. At the conclusion of the hearing, the Panel Chair adjourns the hearing.
- 6.10. Panel goes into in camera session to deliberate.

7. The FGSR Appeals Coordinator will provide the Respondent and Appellant with the Panel 's verbal decision as soon as possible after the hearing. The Panel Chair shall communicate, through the FGSR Appeals Coordinator, the written decision of the Panel to the Respondent, Appellant, and Chair of the FGSR Academic Appeals Committee within 7 working days of the hearing [see 9. Service and Notice].

- 7.1. If, by decision of the Committee, the Appellant shall be granted relief with associated conditions, such conditions will be communicated in writing to the Appellant, including:
 - 7.1.1. the consequences of the conditions not being met;
 - 7.1.2. informing the Appellant of the right of appeal to the Committee within 15 working days at the time the conditions were set (date of the decision letter);
 - 7.1.3. informing the Appellant that by not appealing the conditions and specified consequences, any further appeal rights are waived.

8. An Appellant whose appeal is not upheld must also be notified [see 9. Service and Notice] that an appeal to the GFC Academic Appeals Committee may or may not be possible (possibility rests in accordance with GFC APP 1.4.1.3 and 7.1 above) and that there is a **15 working day** deadline for lodging an appeal, in compliance with section 1.2.1.1.c of the GFC AAP.

9. Service and Notice

- 9.1. Any letter from the Faculty of Graduate Studies and Research containing a decision that affects a student's academic standing, and any material pertaining to an appeal of that decision, including the notice of an appeal hearing, may be hand-delivered, sent by email, sent by courier, or sent by any method of delivery offered by Canada Post. In all cases, the Dean of the Faculty of Graduate Studies and Research, or delegate, or the FGSR Appeals Coordinator will determine what mode of delivery will be used and his or her decision will be final. Where a student has an official campus address, material may also be sent to that address by campus mail. Alternatively,

at the student's request, and with the agreement of the FGSR Appeals Coordinator, the student may pick up the material at an arranged place, day and time.

- 9.2. When sent by Canada Post, campus mail, email or courier, the decision letter and the material pertaining to an appeal shall be sent to the last address provided by the student to the University. It is the student's responsibility to update changes of address in Bear Tracks in a timely fashion.
- 9.3. Delivery is deemed to have been effected on the date of pick-up, receipt of hand or courier delivery, or three working days after being sent by Canada Post to Canadian addresses and five working days after being sent by Canada Post to international addresses, or two working days after being sent by campus mail. Email is deemed to be received in accordance with the University's Electronic Communication Policy for Students and Applicants found in section 20.3 of the *Calendar*.
- 9.4. Copies of appeal materials shall normally be sent by email by the FGSR Appeals Coordinator to the Department concerned (or Faculty where non-departmentalized). Any of the other methods of delivery noted in this section may also be used.