

FACULTY OF ARTS

ACADEMIC APPEAL PROCEDURES

Approved Faculty of Arts Council November 23, 2017

INTRODUCTION

The application of Faculty regulations and decisions regarding students' academic standing may become the subject of dispute and occasionally a formal appeal. Appeal situations are usually avoidable and the Faculty of Arts advocates early and informal resolution of concerns. Students are therefore encouraged to seek early advice from Department/Program Advisors and the Undergraduate Student Services Office, and to resolve their problems first through the Faculty's informal procedures for petition.

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 act as advisors at appeal hearings (780-492-4689, ombuds@ualberta.ca).

DEFINITIONS

Academic Standing refers to any matter covered in the Faculty's academic standing regulations as approved by the GFC Academic Standards Committee, including such matters as continuation in a program, graduation and the requirement for a student to withdraw. Faculty of Arts' regulations appear in the [University of Alberta Calendar](#). Requirements pertaining to specialized programs such as Honors, B Des, BFA, BMus or BA (Criminology) appear in the *Calendar* under those specific programs.

Advisor: An individual selected by the student or the Associate Dean (Student Programs) to advise the student or Associate Dean during the appeal process.

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

Appellant: A student appealing a final examination grade or a final grade in a course offered by the Faculty of Arts, regardless of the program or Faculty in which the student is registered.

Calendar Days is defined as follows: From May 1 to August 31, a day begins at 8:00 AM and ends at 3:00 PM. From September 1 to April 30, a day begins at 8:30 AM and ends at 3:30 PM. Calendar Days are counted as follows: Day one is counted as the first full day after deemed receipt. If the final day falls on a Saturday, Sunday, or statutory holiday, the next working day will be the deadline.

Chair means the Chair of the *Faculty of Arts Academic Appeals Committee*.

Committee means the *Faculty of Arts Academic Appeals Committee*.

Deemed receipt by a student of any appeal material is governed by [GFC Policy Section 1.5.3 Service and Notice](#). Notices, decisions and other appeal materials sent by the Faculty appeals coordinator (or delegate) may be sent by electronic mail to the student's University of Alberta account; hand-delivered; sent by courier; or sent by any method of delivery offered by Canada Post. Alternatively, at the Student's request, the Student may pick up the material, decision or notice at a pre-arranged location. In all cases, the Faculty appeals coordinator (or delegate) will

decide which method of delivery will be used. Delivery is deemed to have been effected on the: day after an email is sent; date of pick-up; receipt of hand or courier delivery; or 7 Calendar Days following being sent by Canada Post. When sent by Canada Post or courier, appeal materials, decisions or notices 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.

GFC AAC means the General Faculties Council Academic Appeals Committee.

Hearing the opportunity for the appellant and the respondent to present the case in person to the *Academic and Grade Appeal Committee*.

In Camera in private

Petition is a request to waive, in a particular case for stated reasons, an Arts Faculty regulation which involves discretionary power and permits exceptions. The decision of the Associate Dean (Student Programs) concerning petitions is final.

Respondent: The Associate Dean (Student Programs), who may invite a department representative to act as an advisor or witness, or designate a department representative in their place.

Working Day is defined as a day on which University administrative offices are open.

FACULTY OF ARTS ACADEMIC APPEALS PROCEDURES

1. Jurisdiction

Arts Faculty Council has delegated authority to hear **petitions** as follows:

- 1.1 The Associate Dean (Student Programs), or delegate, is authorized to consider and render decisions on petitions related to any existing Faculty regulation which a student feels merits special consideration due to extenuating circumstances. The following are examples of such requests:
 - a) to be permitted exceptions, substitutions for any program requirement or waivers to published program requirements;
 - b) to be permitted to exceed specified program maximums, for example, additional junior-level courses, additional courses in the major or minor, additional non-Arts or Science options;
 - c) to be permitted to take courses at another institution as a Visiting Student, in those cases where the student does not meet specified requirements;
 - d) to submit an Application for Degree, or Application for Admission, Readmission or Internal Transfer after the published deadline;
 - e) to add/delete/or withdraw from courses after the published deadline (Footnote 1).
 - f) to be permitted to exceed the usual permitted course load for the program
 - g) decisions regarding special examinations (re-examinations, deferred examinations)

1 Late deletion of courses is subject to approval by the delegate of the Vice-Provost and University Registrar.

The decision of the Associate Dean in these matters is final.

Arts Faculty Council has delegated authority to hear **appeals** as follows:

- 1.2 The Associate Dean (Student Programs) is authorized to **initially** hear student appeals arising from matters affecting continuation in a program, graduation and the requirement for a student to withdraw. Arts Faculty Council has granted discretionary power to the Associate Dean to approve or deny such appeals. Appeals related to continuation in a program, academic standing, and graduation that have been submitted to the Associate Dean may subsequently be appealed, in the event of an adverse decision, to the Faculty of Arts Academic Appeals Committee.
- 1.3 The Faculty of Arts Academic Appeals Committee is authorized to hear appeals related to academic standing. This includes:
 - a) denial of promotion within a program in the Faculty of Arts;
 - b) requirement to discontinue from the BA Honors, BDes, BFA, BMus, BA Drama/BEducation combined program, BMus/Bed combined programs, BA Major in Economics, or BA (Criminology) program in the Faculty of Arts (Footnote 2);
 - c) requirement to withdraw from any program in the Faculty of Arts;
 - d) denial of recommendation for graduation (e.g., in those cases where program requirements have been fulfilled but graduation average or related academic standing requirements have not been met, or in cases in which the eligibility to graduate With Distinction is in dispute.
- 1.4 The Faculty of Arts Academic Appeals Committee shall have no jurisdiction to hear an appeal with respect to:
 - a) admission into programs in the Faculty of Arts (admission decisions cannot be appealed – see the [Calendar, Admission Decision Process 5.](#));
 - b) granting credit for courses taken in other Faculties or post-secondary institutions (credit will be determined by the Undergraduate Student Services Office according to standard University policies);
 - c) a decision on academic standing arising from a discipline matter;
 - d) marks or grades awarded in an individual course (refer to the Faculty's Grade Appeal Procedures);
 - e) petitions concerning matters in 1.1 above or other matters deemed by the Committee to be outside its jurisdiction.
- 1.5 The Committee shall have no jurisdiction to hear an appeal until the appellant has exhausted all informal procedures available within the Faculty.
- 1.6 The Committee shall hear an appeal from the same appellant against the same decision only once.
- 1.7 The decision of the Committee in these matters is final, i.e., no further appeal within the Faculty is possible. In cases involving Academic Standing, the appellant will be advised of the right to appeal within **15 Working Days** of receipt of the written adverse decision, to the GFC Academic Appeals Committee (AAC). GFC regulations stipulate that an appeal may be made only on the basis of a miscarriage of justice.

2 Appeals to discontinue in any of these programs must be accompanied by a recommendation from the appropriate department advisor, indicating whether or not the department supports the student appeal and why.

2. **Composition and Terms of Office**

- 2.1 The Academic Appeals Committee consists of one chair (appointed by the Arts Faculty Executive Committee), three faculty members elected by Arts Faculty Council for a term of three years and three continuing Faculty of Arts undergraduate students. Committee members must be available to attend meetings in Edmonton, particularly during the months of June to September since the majority of appeals are received during that time.
- 2.2 The undergraduate student representative(s) will be chosen by the Faculty of Arts undergraduate students' association and confirmed in the same year by Arts Faculty Council. Term of Office will be for one year, May 01 to April 30. In the event that the Faculty of Arts students' association is unable to meet its obligations, the appropriate body in the Students' Union will act in lieu.
- 2.2 The Chair shall have the authority to make ad hoc appointments of an Arts student and/or faculty members to the Committee in the event that members of the committee are absent from campus and a timely Hearing cannot be arranged otherwise.
- 2.3 It is incumbent on any member of the committee to declare any possible conflict of interest (e.g. a faculty member may be a department advisor for the appellant, a student member may be a friend of the appellant) and recuse themselves from the proceedings. See 2.7 below for process to temporarily replace the Chair in these, and other, circumstances.
- 2.4 Quorum of the Committee shall be the Chair and at least three other members, one of whom will be a student. In the event that quorum is not met the appellant, after discussing the situation with his or her advisor, may request that the appeal hearing continue regardless. If the Chair agrees, the hearing will continue. If the student does not ask to continue or if the Chair does not agree to a student's request to continue, the hearing will be rescheduled.
- 2.5 The function of the Chair shall be to ensure the impartiality of the Committee, and to oversee the appeal procedures. The Chair does not participate in the discussion or in the Committee's deliberations and does not vote, except to cast a deciding vote in the case of a tie. In the event of an appeal to the GFC AAC, the Chair will act as the Faculty respondent.
- 2.7 In the event that the Chair steps down for a specific hearing, or on a specific date due to conflict of interest, illness, or other emergency circumstances, the remaining members of the committee will meet in advance of the hearing to determine which member will be selected to be "Acting Chair". Once an Acting Chair has been selected, normal quorum requirements apply.

3. **Rules Governing Petitions to the Associate Dean**

"A student may submit an informal appeal/petition to the Dean or delegate (*note: Associate Dean (Student Programs) for the Faculty of Arts*). Regardless of whether or not a student

initiates an appeal, however, the Dean or delegate 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 Faculty Council or Faculty academic appeals committee. (GFC Executive, 23 February 2004)."

[See Informal Faculty Level of Appeal/Petition](#)

- 3.1 When the matter involves program requirements, especially the requirements in the major or minor, students should first discuss the matter as soon as possible with the appropriate Departmental or Program Advisor or the Chair of the Department or Director of the Program to seek support for the proposed program modification.
- 3.2 As Faculty approval is required for all program modifications, students must also submit a written petition to the Associate Dean (Student Programs) as soon as possible, but no later than **14 Calendar days** after consulting the Department. The written recommendation of the Department in support of the change must also be submitted. If the Department is unwilling to support the proposal, and the student wishes to proceed, a written petition to the Associate Dean must still be submitted within **14 Calendar Days** after discussing the matter with the Department.
- 3.3 Students must include all relevant documentation with any petition. Where required documentation is not provided, a negative decision and/or significant delay in response will result.
- 3.4 The Associate Dean will consult other personnel or committees (e.g. student advisors, Department Chairs, or the Academic Affairs Committee) as necessary.
- 3.5 The Associate Dean will approve or deny the petition. The decision of the Associate Dean concerning petitions is final.
- 3.6 A petition receiving an adverse decision will not be considered more than once by the Associate Dean unless new information becomes available.

4. Procedures Governing Academic Standing Appeals

- 4.1 Appeals to the Associate Dean
 - a) To initiate an appeal the student must submit a written statement to the Associate Dean (Student Programs) which:
 - i. is received by the specified deadline;
 - ii. is signed by the appellant, or in the case of electronic mail, sent from the student's University of Alberta account;
 - iii. sets forth the decision in dispute;
 - iv. lists all grounds for the appeal;
 - v. provides supporting details;
 - vi. provides applicable supporting documentation, e.g. medical documentation, correspondence with and recommendation of department or program advisors (if appropriate);

vii details the remedy sought.

All relevant information must be disclosed in the appeal to the Associate Dean.

- b) the appeal to the Associate Dean must be received by the Undergraduate Student Services Office **within 14 Calendar Days** from the date of the letter advising the student of the student's academic standing.
- c) The Associate Dean will approve or deny the appeal. In most cases the Associate Dean will impose certain conditions upon successful appeals. Students who fail to fulfill the required conditions set out by the Associate Dean (Student Programs) will not be granted a further opportunity to appeal. Except in unusual circumstances, the decision will be communicated to the student within **14 Calendar Days** after the appeal deadline.

Students will be informed by electronic communication to their University of Alberta email accounts that a decision has been made, and the decision of the Associate Dean will be uploaded to the student's Bear Tracks account. It is each student's responsibility to access, read and act upon all email from the University in a timely fashion, in accordance with the [University of Alberta Electronic Communication Policy](#).

Electronic communications sent by the Faculty of Arts will be deemed received the next University business day after the day the email was sent, regardless of any error, failure notice, internet service provider problem, virus, or auto-reply related to the student's email, unless the error or problem originated with the University.

- d) In the event of an adverse decision, the student may appeal to the Faculty of Arts Academic and Grade Appeals Committee.

4.2 Appeals to the Faculty of Arts Academic Appeals Committee

- a) The appeal must be received by the Faculty of Arts Academic Appeals Committee **within 14 Calendar Days** of the deemed receipt of the Associate Dean's decision. Appeals are submitted to the Appeals Coordinator located in 1-17 Humanities Building. The appeal must:
 - i. be a written statement
 - ii. be received by the specified deadline
 - iii. be signed by the appellant, or in the case of electronic mail, sent from the student's University of Alberta account;
 - iv. describe the decision being appealed;
 - v. name the person or body who made the decision;
 - vi. describe the grounds for the appeal;
 - vii. provide the nature of the injustice;
 - viii. provide applicable supporting documentation and details;
 - ix. detail the remedy sought.

If new information is provided that was not disclosed in the appeal to the Associate Dean, an explanation must be given as to why it was not provided earlier. Where new information is provided, the Appeals Coordinator will request that the Associate Dean review the case prior to any appeal hearing, in the event that the new information influences the original decision.

- b) The Faculty of Arts Academic and Grade Appeals Committee will schedule hearings following the end of Fall and Winter terms. If an appellant has not asked to appear in person before the Committee, the hearing will be held on the first available scheduled date and time. If the appellant has asked to appear in person at the hearing (with, or without an advisor), the appellant will be given at least **14 Calendar Days**’ notice of the date and time at which the appeal hearing has been scheduled. The 14 day notice can be waived if agreeable to all parties involved.
- c) Appeal hearing dates will normally be set to occur within **60 Calendar Days** of the receipt of the appeal, and in those cases related to a student’s ability to continue in a program or the Faculty all efforts will be made from hearings to be held prior to the beginning of the next major academic term. Reasonable delays are allowed, but should either party feel that an unreasonable time has passed without the date of the hearing being set, either party may appeal to the Academic and Grade Appeals Committee Chair, through the Appeals Coordinator, for a ruling as to whether the delay is reasonable. If the AGAC Chair decides the delay is unreasonably long, then the AGAC Chair shall, within **14 Calendar Days** of such a decision, set the appeal hearing date, which must occur within **21 Calendar Days** of the Chair’s decision. The decision of the AGAC Chair will be made without a hearing and is final and binding.

4.3 Advisors and Resource Persons

- a) Once the appeal documentation has been circulated to the Committee, the Chair may request additional resource persons to be available at the meeting to hear the appeal (e.g., the Department Chair, Program Director, or the Program Advisor).
- b) The appellant has the option to appear before the Committee and may be accompanied by one representative or advisor.
- c) The Associate Dean (Student Programs) or delegate will serve as the respondent, and may be accompanied by one representative or advisor.
- d) Should witnesses be called by either the appellant or the respondent, they will make their statements one at a time and will be present at the hearing only when they are giving their statements and being questioned.

Note: If the appellant or respondent neglects or refuses to appear at the time of the hearing, the Committee will proceed with the hearing in the student’s or Associate Dean’s absence.

4.4 Powers of the Committee

- a) The decision of the Committee shall be either:
 - i. to uphold the appeal and direct relevant parties as to further action; or
 - ii. to deny the appeal.
- b) The Chair (or Acting Chair), on behalf of the Committee, may also report to the appropriate Faculty Committee in relation to Academic Standing or Grading matters with recommendation(s) for change.

4.5 Committee Process

- a) The function of the Academic and Grade Appeals Committee is to review the statements brought forward by the appellant and the respondent and, on the basis of such information, arrive at its decision. The Committee is not bound by rules of evidence or procedure applicable to courts of law. It shall avoid the development of adversarial situations between itself, the appellant and the respondent. None of the parties to an appeal shall bring legal counsel to the Hearing.
- b) A quorum of the Committee shall be the Chair (or Acting Chair) and at least three other members, one of whom will be a student.
- c) The hearings of the Committee shall be governed by such procedures as the Committee shall from time to time decide, subject to the following:
 - i. Decisions of the Committee shall be by majority vote with the Chair (or Acting Chair) exercising a deciding vote only in the case of a tie.
 - iii. Hearings of the Committee shall be held *in camera*.
 - ivii. Both parties and the Committee may call witnesses and question witnesses.
 - iv. The appellant and respondent may each be accompanied by one advisor. Advisors do not play an active role in the appeal hearing (e.g. they do not speak on behalf of the respondent or appellant); however, advisors may answer questions posed by the committee. An appellant or respondent may request a pause in the proceedings to consult with an advisor.
 - v. Subject to existing University rules or regulations regarding the confidentiality of information, all documents relative to the appeal shall be made available to all parties.
 - vi. All materials introduced at the hearing must be relevant to the issues before the Committee.
 - vii. Additional procedures, approved by the Committee, will be provided to the student upon receipt of an appeal to the Appeals Coordinator.
- d) Prior to hearing evidence the Committee shall:
 - i. determine that the appeal falls within its jurisdiction;
 - ii. take such steps as are necessary to familiarize itself thoroughly with the relevant Faculty regulations, which shall be provided by the Associate Dean (Student Programs) or delegate.

4.6 Summary of Appeal and Decision

- a) Within **Seven Calendar Days**, the Chair shall communicate to the appellant and respondent in writing a summary of the appeal and the reasons for the decision. The decision of the Committee will be uploaded to the student's Bear Tracks account. In addition, an email will be sent to the student the same day.
- b) The decision of the Committee is final; no further recourse within the Faculty exists. In the event of an unsuccessful appeal within the Faculty involving academic standing, the Chair of the Arts Academic and Grade Appeals Committee, as designate, will inform the Student of the right of appeal to the GFC Academic Appeals Committee within **15 Working Days** of the deemed receipt of the written adverse decision by the Student. In such cases the appellant will also be informed of

the name of the GFC Appeals and Compliance Officer and of the role of the Office of the Student Ombuds.

- c) Regardless of whether the appeal is denied or upheld, the Chair will collect the appeal material from Committee members and return it to the Appeals Coordinator for secure disposal. The Chair will keep a copy of the appeal material until appeal deadlines have passed. At that time, the Chair will return all notes and appeal material to the Appeals Coordinator. The Chair's material is kept on the student's file in the Faculty. This file will be securely destroyed two years after the student's last attendance.
- d) The written summary prepared by the Chair is the official record of the appeal hearing. The final version will be signed by the Chair, on behalf of, and with the full authority of, the Committee.
- e) Students who have been granted successful appeals by the Faculty of Arts Academic and Grade Appeal Committee may be required to meet specific conditions. Students who wish to appeal conditions of a successful appeal to the GFC AAC must do so within **15 Working Days** of the deemed receipt of the decision granting the appeal.
- f) Students who fail to fulfill the required conditions set out by the Faculty of Arts Academic and Grade Appeals Committee will not be granted a further opportunity to appeal.

4.7 GFC Academic Appeals Committee (AAC) and [Academic Appeals Policy](#)

1. Students have a right of appeal to the GFC AAC from an adverse Faculty decision affecting their Academic Standing.
2. The deadline for lodging such a formal appeal is **fifteen (15) Working Days** from the Student's deemed receipt of the Faculty decision ([see Service and Notice](#)). This deadline must be met notwithstanding any pursuit by the Student of any available informal appeal and/or petition process to the Dean (as referred to in Section 1 of the Academic Appeals Policy, Informal Faculty Level of Appeal/Petition).
3. Students considering appeal to the GFC AAC are encouraged to contact the Appeals and Compliance Officer (University Governance) and to review the complete [GFC Academic Appeal Policy](#) as soon as possible, and well within the required deadlines.
4. An appeal may be made only on the basis that there has been a Miscarriage of Justice in the case of the Student's appeal at the Faculty level.
5. All known grounds must be listed and explained in the appeal. The grounds to establish a Miscarriage of Justice for an appeal shall include, but not be restricted to, the following:
 - a. procedural errors on the part of a Faculty provided that a defect in procedures shall not warrant the quashing of the decision being appealed, unless the defect complained of can reasonably be said to have deprived the student of a fair hearing;
 - b. failure of a Faculty to consider all factors relevant to the decision being appealed;
 - c. bias or discrimination against the Student on the part of a Faculty.

Companion Documents:
Academic Appeal Procedure
Procedural Guidelines for Hearings of the *Faculty of Arts Academic & Grade Appeal Committee*

Approved by Arts Faculty Council: effective May 20, 2010 immediately; March 22, 2016 - effective immediately; November 23, 2017 – effective immediately