

AUGUSTANA FACULTY
GUIDELINES CONCERNING STUDENT ACADEMIC APPEAL PROCEDURES PART II: FORMAL APPEALS
(i.e. appeals that can proceed beyond the Associate Dean, Academic Programs)

A. GENERAL INFORMATION

1. Definitions

- 1.1 Formal Appeal: a process involving a written request and a hearing before a panel to reconsider a denied petition on an academic regulation
- 1.2 Informal Appeal: preliminary stages in the formal appeal process prior to a hearing before a panel to reconsider a denied appeal on an academic regulation, or any appeal process that ends with the decision of the Vice Dean (or his/her designate) and that cannot be subject to further appeal
- 1.3 Deemed receipt: delivery is deemed to have been effected upon posting to Bear Tracks
- 1.4 Appellant: the student launching the appeal
- 1.5 Respondent: the Vice Dean or designate
- 1.6 Witness: a person who can present evidence or information to support an appellant or a respondent at a hearing
- 1.7 Advisor: a person who can advise, speak for or provide support to the appellant or respondent during the hearing

2. Academic Decisions that can be appealed beyond the Authority of the Vice Dean

- 2.1 Academic standing, including requirement to withdraw
- 2.2 Denial of recommendation for continuation in a program or graduation
- 2.3 Any or all of the conditions of the student's Academic Probation
- 2.4 Final examination mark or final course grade

Note: Students who are on Academic Probation and fail any or all of the conditions of their Probation cannot appeal their requirement to withdraw (see the fourth paragraph of section 23.8.1 of the University of Alberta Calendar).

3. Appeal Deadlines

- 3.1 The student must submit a written appeal within 30 calendar days of the deemed receipt of the negative decision of the Vice Dean
- 3.2 The Faculty will either quote from the above policy, or actually specify a date in the denied petition letter that provides the student with up to thirty days to respond

4. Appeal Submissions

- 4.1 Appeals must be submitted in writing by the student to the Chair of Academic Appeals Committee by email to: auappeal@ualberta.ca

5. Appeal Content

- 5.1 The following information in points 5.2 through 5.15 below is required for all appeals; additional information for specific types of appeals can be found in "Guidelines Concerning Student Academic Appeal Procedures Part I" (Section B)
- 5.2 Clearly stated decision, concern or issue in dispute
- 5.3 One or more of the following grounds for the appeal must be established
 - 5.3.1 Procedural error
 - 5.3.2 Failure to consider all factors presented relevant to the decision petitioned

- 5.3.3 Bias or discrimination against the student
- 5.4 Relevant information and details, including timeline involved
- 5.5 Applicable supporting documentation
 - 5.5.1 Medical certificate (normally using University of Alberta Medical Statement form)
 - 5.5.2 Copy of death certificate or announcement
 - 5.5.3 Copy of course assignments, exams
- 5.6 If new information is provided which was not disclosed in the appeal to the Vice Dean, an explanation must be given as to why it was not provided earlier
- 5.7 Outline of the response from the Vice Dean to the appeal
- 5.8 Details of the remedy or request sought
- 5.9 Name of the person who will speak on behalf of the student, should the student be unable to attend the hearing
- 5.10 Name of any advisors or witnesses who will attend the hearing with the student
- 5.11 Any challenges to the membership of the hearing panel for the student appeal with written reasons for the challenge
- 5.12 University of Alberta student identification number
- 5.13 Student telephone number and email address
- 5.14 Preferred location to send the official decision (mailing address or fax number) that the student will be responsible to have monitored regularly
- 5.15 Signature of the student

B. THE ACADEMIC APPEALS COMMITTEE

1. Committee Jurisdiction

- 1.1 The Academic Appeals Committee (AAC) has jurisdiction to hear appeals resulting from specific negative petition decisions of the Vice Dean (see section A.2 above)
- 1.2 AAC acts on delegated authority of Faculty Council and has jurisdiction only if other procedures and petitions have been exhausted and if the final written petition decision of the Vice Dean is deemed to have been received by the student

2. Duties of the Committee Chair

- 2.1 Oversees the work of the Administrative Assistant, Academic, on appeals
- 2.2 Ensures committee members have received proper instruction on appeal procedure
- 2.3 Ensures an unbiased hearing panel is constituted for each appeal
- 2.4 Ensures proper procedures are maintained and due process followed throughout the appeal
- 2.5 Ensures both the respondent and appellant have sufficient time to present their case
- 2.6 Chairs the appeal hearing
- 2.7 Notifies the Associate Chair if required to chair a hearing

3. Duties of the Committee Associate Chair

- 3.1 Assume duties of the Committee Chair if the Committee Chair is unable to perform them
- 3.2 Can serve as a regular academic member of a hearing panel

4. Establishing the Hearing Panel

- 4.1 For each appeal hearing the AAC Chair will appoint in rotation, members of AAC to a hearing panel as follows
 - 4.1.2 Two academic staff members of AAC not involved with the situation in appeal

- 4.1.3 One undergraduate student member of AAC not involved with the situation in appeal
- 4.2 The AAC Chair will consider any challenges of committee membership by the student

C. THE HEARING PREPARATION PROCEDURES

1. Responsibilities of the Student (Appellant)

- 1.1 Notify the AAC Chair via the Administrative Assistant, Academic, in writing to provide necessary documentation and indicate whether the student will attend the hearing or send a designate
- 1.2 Sign a waiver prior to the hearing date if in agreement to waive the 14 calendar day notice of a hearing as referred to in 2.4, 2.9 and 2.10 below
- 1.3 Provide names of advisors or witnesses prior to the hearing
- 1.4 Ensure witnesses and advisors are informed of the hearing date
- 1.5 At least 24 hours prior to the hearing, confirm with Administrative Assistant, Academic by email to: augassociatedean@ualberta.ca whether the student or designates will appear at the hearing

2. Responsibilities of the Administrative Assistant, Academic

- 2.1 Organize hearings (normally in June, July and August) in consultation with the AAC Chair
- 2.2 Notify AAC members of hearings and ensure the AAC Chair has set hearing panels
- 2.3 Inform the student and respondent of hearing dates
- 2.4 Inform the student and the respondent that they have the right to 14 calendar days from the time of notification to the hearing date
- 2.5 Inform the student and respondent of the AAC hearing panel membership
- 2.6 Explain that challenges to the AAC hearing panel membership must be submitted in writing
- 2.7 If the appeal request is incomplete refer the appeal back to the student for completion
- 2.8 Once the appeal is complete set the soonest available hearing date and time
- 2.9 If the hearing date is less than 14 calendar days away, inform the student and respondent of their right for 14 calendar days' notice
- 2.10 If the student or respondent request 14 calendar days' notice, select the next available date
- 2.11 Inform the student and respondent of their right to bring advisors or witnesses to the hearing
- 2.12 Ask the student and respondent if they have further information to add; remind them there is a full exchange of information between the appellant and respondent and documentation must be received two working days prior to the hearing, as must the names of any witnesses or advisors
- 2.13 Inform the student that assistance in preparing for the appeal is available through the Student OmbudService
- 2.14 Send all appeal materials to the student (registered mail or pick-up) and ask the student to confirm the date, time and location of the hearing

3. Responsibilities of the Vice Dean or Designate (Respondent)

- 3.1 Ensure the Faculty's case is thorough and presented both orally and in writing
- 3.2 If in agreement to waive the 14 calendar day notice of a hearing referred to in 2.4, 2.9 and 2.10 above, sign a waiver prior to the hearing date
- 3.3 Provide names of advisors or witnesses prior to the hearing

- 3.4 Ensure witnesses and advisors are informed of the hearing date

D. THE HEARING PROCEDURE

1. Hearing Rules

- 1.1 The committee is not bound by rules of evidence or procedures applicable to courts of law
- 1.2 The AAC Chair will ensure proper procedures are followed
- 1.3 A quorum shall consist of the Chair and three other members (two academic staff and one student)
- 1.4 Hearings shall be private and confidential
- 1.5 The student, respondent and committee may call and question witnesses
- 1.6 AAC may request additional material, seek advice from expert witnesses and may have a resource person or persons attend any or all portions of its hearings
- 1.7 The student and respondent may be accompanied by advisors
- 1.8 Existing University policies and procedures on confidentiality shall be observed
- 1.9 All documents relative to the appeal will be made available to all parties
- 1.10 All materials introduced at the hearing must be relevant to the issues before the committee
- 1.11 Only the committee members shall be present when reaching a final decision

2. Hearing Procedures Followed by the AAC Chair

- 2.1 Call the appellant, respondent and advisors into the hearing room at the same time
- 2.2 Introduce the hearing panel to the appellant, respondent and advisors
- 2.3 Summarize procedures for the hearing and for communication of the decision
- 2.4 Review material received by the hearing panel, respondent and appellant
- 2.5 Instruct the hearing panel members that no discussion of the case is to occur outside the hearing room or when anyone concerned with the hearing is not present in the room
- 2.6 Inform that anyone may ask questions about procedure at any time
- 2.7 Opening statement by appellant (and/or advisor)
- 2.8 Opening statement by respondent (and/or advisor)
- 2.9 Questions from each hearing panel member to the appellant and respondent
- 2.10 Questions from the appellant (and/or advisor) to the respondent and to the hearing panel
- 2.11 Questions from the respondent (and/or advisor) to the appellant and to the hearing panel
- 2.12 AAC Chair calls in appellant's witnesses to give evidence
- 2.13 Questions from the appellant (and/or advisor) to the appellant's witnesses
- 2.14 Questions from the respondent (and/or advisor) to the appellant's witnesses
- 2.15 Questions from the hearing panel to the appellant's witnesses
- 2.16 AAC Chair asks appellant's witnesses to leave the hearing room
- 2.17 AAC Chair calls in respondent's witnesses to give evidence
- 2.18 Questions from the respondent (and/or advisor) to the respondent's witnesses
- 2.19 Questions from the appellant (and/or advisor) to the respondent's witnesses
- 2.20 Questions from the hearing panel to the respondent's witnesses
- 2.21 AAC Chair asks respondent's witnesses to leave the hearing room
- 2.22 Closing statement by respondent (and/or advisor) not subject to questioning
- 2.23 Closing statement by appellant (and/or advisor) not subject to questioning
- 2.24 The Chair will ascertain that all statements related to the appeal have been concluded
- 2.25 Appellant, respondent and advisors leave the room

3. Decision Procedures

- 3.1 The hearing panel will decide to uphold or deny the appeal by majority vote
- 3.2 The Chair votes only in the event of a tie
- 3.3 The Chair will prepare a brief summary of evidence and arguments, decision and rationale
- 3.4 The Chair will identify any concerns to be brought to the Vice Dean
- 3.5 The Chair will sign the summary and decision and deliver it to the Administrative Assistant, Academic at the end of the hearing

E. AFTER THE HEARING

1. Student Right to Appeal to General Faculties Council

- 1.1 The student has the right to appeal the decision of the Faculty to the General Faculties Council (GFC) Academic Appeals Committee on matters related to academic standing and on denial or recommendation for graduation only
- 1.2 Grade and final examination decisions of the committee are final and cannot be appealed outside the Faculty

2. Submission of Appeals to GFC

- 2.1 Notice of the appeal must be delivered to the Appeals Coordinator within 21 calendar days of the deemed receipt of the decision of the Faculty AAC
- 2.2 The Appeals Coordinator is in University Hall and can be reached at 780-492-2655
- 2.3 Assistance in submitting appeals is available from the Student OmbudService at 780-492-4689; students are recommended to consult with them prior to appeal submission
- 2.4 Any conditions imposed by the Faculty established decision must be appealed to the GFC AAC at the time they are imposed and within the time limits set out
- 2.5 If conditions are not met, no appeal will be available after the initial appeal period is passed
- 2.6 If new information is presented, the Faculty Appeals Committee can hear the appeal again

3. Contents of the Response from Administrative Assistant, Academic to University Secretariat

- 3.1 The Administrative Assistant, Academic will forward the following names to the University Secretariat
 - 3.1.1 Who will act as respondent (normally this will be the Vice Dean)
 - 3.1.2 Who will be the advisor to the respondent (normally the Faculty AAC CHAIR)
 - 3.1.3 Any witnesses that will attend the hearing
- 3.2 All documents from all Faculty hearings relating to the appeal
- 3.3 Response to the appellant's grounds for appeal
- 3.4 Comments on the alleged miscarriage of justice and on the relief requested
- 3.5 The academic standing regulations from the University of Alberta Calendar and the regulations regarding the Faculty appeal hearing, including hearing procedures
- 3.6 Student transcripts
- 3.7 Relevant documents from the student file

F. FURTHER INFORMATION

1. Appeals

- 1.1 Information on appeal procedures and Faculty regulations is available from 780-679-1582 or email alexis.anderson@ualberta.ca
- 1.2 Assistance in submitting appeals is available from the Student OmbudService by telephone at 780-492-4689; appellants should consider consulting with them prior to submission of their appeal