

## Guidelines for Participants in Student Appeals, Grievances and other Judicial Processes

The University of Alberta endeavours to act in accordance with the principles of fairness and natural justice<sup>1</sup> in all its judicial processes, whether formal hearings or informal meetings with decision makers. Participants in these processes may include appellants, respondents, advisors, witnesses and decision makers. Decision makers may include instructors, Department Chairs, Associate Deans, Discipline Officers or appeal committees and boards. As an academic community, the University believes that judicial proceedings should be collegial and respectful in nature, while conducted in accordance with the principles of natural justice. In order to facilitate such a process, the University recognizes that students may benefit from the assistance of an Advisor. The University does not stipulate who may serve as Advisor: it may be an Ombudsperson, a Student Legal Services representative, a lawyer, parent, or friend. It is important, however, that everyone involved is clear on the advisor's role, and that of all other participants. These guidelines provide a starting point for the conduct of anyone participating in an appeal, grievance or judicial process.

- Meetings are essentially investigative inquiries between the decision maker and the student. An advisor may help to clarify the students' points or ask procedural questions, but wherever possible and practical students are encouraged to speak for themselves.
- Hearings are more formal processes involving committees, panels or boards as well as appellant, respondent, advisor(s) and witness(es). While University hearings are not court proceedings and should not be treated as such, all judicial and appeal processes are guided by the principles of natural justice. Participants' conduct should reflect respect for others in the hearing and for the process itself.
- Participants should be familiar with all relevant policies and procedures, including the Code of Student Behaviour or other University appeal regulations.
- In keeping with the collegial environment, all participants should use respectful language and listen attentively to all parties in the meeting or hearing without interruption.
- Participants must treat committee members, witnesses to proceedings, and each other respectfully. While natural justice affords the opportunity to respond to any allegations, badgering, accusing without foundation, demeaning or threatening witnesses, or anyone else at the hearing, is entirely inappropriate in the University setting.
- Participants must be aware that disciplinary decisions at the University of Alberta are based on a *Balance of Probabilities*.<sup>2</sup> Formal academic appeals require demonstration of a *Miscarriage of Justice*.<sup>3</sup> Meetings with decision-makers and formal hearings provide students with an opportunity to present their version of events. While students are not required to speak, those who choose not to must understand that decisions are made with the available information.
- Should a participant become overwhelmed, a decision maker or Chair may call for a break in the proceedings.
- In general, an advisor should help students to understand both their rights and responsibilities, and encourage open and frank engagement with the process. Decision makers and other participants can also play a pivotal role in helping students understand the process in which they are involved.
- An advisor shall not also act as witness in a formal appeal hearing.
- Students are allowed only one advisor in formal appeal hearings.

All participants in University student judicial proceedings have the ability to enhance the process and provide students with support, and should mentor the students by demonstrating appropriate conduct. Participants should focus on maintaining a collegial relationship between the University and the student, promoting mutual respect, and preserving the integrity of the process.

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<sup>1</sup> See §30.1.1 of the Code of Student Behaviour, "Rights Under the Code," for an example of principles of natural justice.

<sup>2</sup> "Balance of Probabilities" is a standard of proof unlike the criminal system's requirement for certainty "beyond a reasonable doubt". Rather, it requires a decision maker to weigh the available evidence and determine the most likely explanation, or the explanation that is more probable than not.

<sup>3</sup> As defined in General Faculties Council Academic Appeal Regulations.