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**ANNUAL REPORT OF APPEALS AND COMPLIANCE OFFICER****(INCLUDING UNIVERSITY DISCIPLINE STATISTICS)****2017 – 2018**

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**Scope**

This report covers the period of July 1, 2017 to June 30, 2018. Some statistics for previous years are also included for comparison.

This report provides information about discipline decisions and the appeal process under the Code of Student Behaviour (COSB) and the Code of Applicant Behaviour (COAB), with a focus on the university appeal level of the University Appeal Board (UAB). This report also provides information for the two other university level appeal bodies, the General Faculties Council Academic Appeals Committee (GFC AAC) and the General Faculties Council Practice Review Board (GFC PRB).

**Role of the Appeals Coordinator**

Working as the Appeals and Compliance Officer in University Governance, I carry out the role of the Appeals Coordinator under the COSB, COAB, University of Alberta Academic Appeals Policy and University of Alberta Practicum Intervention Policy for the UAB, GFC AAC and GFC PRB. In this role I am neutral and do not advocate for either party in an appeal. I facilitate or administer the appeal process steps from the time an appeal is received, through the hearing and decision made by an appeal panel, to distribution of the written decision. I also provide procedural information to the parties to an appeal and to the appeal panel throughout the appeal process.

Apart from individual appeals, I oversee the administration of the university level appeal system to ensure that the university continues to implement a fair process by which to address appeals. This includes helping to educate panel members as to the framework within which they work when hearing appeals and helping the university community understand that framework.

**University Level Appeal Process**

The university level appeal system is made up of three appeal bodies – the UAB, the GFC AAC and the GFC PRB.

Discipline decisions arise as a result of a student being charged with an offence (academic and/or non-academic) under the COSB or COAB. When the appropriate decision-maker has made a final decision finding an offence and imposing a sanction, the parties to that decision have a final appeal to the UAB.

The UAB generally hears appeals from students charged under the COSB or COAB who disagree with the discipline decisions. UAB decisions are final and binding, within the university, subject to application for judicial review.

Under the COSB the UAB has the broad authority to determine whether an offence was committed and to confirm, vary or quash sanctions imposed.

Under the Academic Appeals Policy, academic standing issues are heard by the GFC AAC. The GFC AAC hears appeals from students wishing to appeal faculty decisions on matters of academic standing, including matters such as a requirement to withdraw, denial of graduation or promotion. The GFC AAC hears appeals from students after they have exhausted all other avenues of appeal within a faculty. GFC AAC decisions are final and binding, within the university, subject to application for judicial review. The authority of the GFC AAC is to uphold (and award any remedy not contrary to faculty rules) or deny an appeal depending upon whether it finds a miscarriage of justice, as defined by the Academic Appeals Policy, occurred within the faculty process.

Under the Practicum Intervention Policy, appeals concerning practicum interventions are heard by the GFC PRB. The GFC PRB's decisions are final and binding, within the university, subject to application for judicial review.

### Principles of the Appeal Process

Appeals at the university level deal with complex issues affecting students, faculties and the university as a whole. Given this impact, and the fact that this final level of appeal is the last opportunity for issues to be heard within the university, it is very important that the appeal process is fair and perceived to be fair. Coming to decisions through a fair process promotes confidence in those decisions by the parties and the appeal panels themselves. Being the final level of appeal, the decisions or process may also be subject to judicial scrutiny.

The authority of the appeal bodies (UAB/GFC AAC/GFC PRB) flows from the powers delegated under the *Post-Secondary Learning Act*. The appeal bodies carry out their authority as outlined in the applicable university appeal policy, in keeping with the principles of administrative fairness. The principles of administrative fairness are the basis for our appeals policies, help us to interpret those policies and provide the framework within which our appeal panels make decisions.

The structured steps of our appeals processes recognize the impact and finality of these decisions and ensure the opportunity for parties to an appeal to make their best cases and be fully heard. The appeals process has been designed to enable students and university decision-makers to be heard through presenting their arguments and evidence to an objective panel coming from the university community. At its core, our appeals system involves the parties fully making their cases in writing and knowing the case of the other side before an appeal hearing takes place, then appearing at a hearing where they are able to present their information, subject to questioning, before an objective appeal panel. (The UAB process also allows for the option of a paper-only or documentary review hearing, rather than an in-person hearing, when only the severity of sanction, and not the offence, is being appealed.) The appeal panel then considers and weighs all of the evidence and comes to a decision, which it fully explains to the parties in writing. If any process issues or requests arise before or during a hearing, the appeal panel chair (sometimes with the full appeal panel) decides how to fairly address the issues, keeping in mind the relevant appeals policy and the principles of administrative fairness, including the goal to provide for a full and fair hearing.

### Appeal Panel Membership

The university level appeal panels are made up of volunteer panel members from the university community. While the exact makeup of a panel depends on the applicable appeal policy, generally the panels are a combination of undergraduate/graduate students and academic staff selected from the university's appeal panel membership lists. (Membership is determined by an application process and ultimately by approval of applicants by GFC.) Appeal panel members come from the greatest possible variety of faculties and the broadest possible representation of the university community. For objectivity, no appeal panel member may sit on an appeal involving a party from their faculty. Appeal hearings are scheduled throughout the academic year, including summer, mostly in evenings around academic schedules. Student panel members usually serve for terms of two years, while academic staff panel members usually serve for terms of three years (with the possibility of serving additional terms). The number of appeals heard by individual panel members depends on the number of appeals received and the faculties involved.

In addition to their understanding of the university environment from their experience as students (both undergraduate and graduate) and academic staff, our panel members are provided ongoing training in understanding the principles of administrative fairness within which their tribunals operate. This helps to ensure that, as discussed above, the appeal process is a fair one.

The service of appeal panel members is a significant commitment, including considering and addressing procedural issues arising before and during hearings, conducting hearings, deliberating and drafting written reasons for decisions. All of our panel members recognize the need to objectively hear cases, analyze and weigh evidence, then come to reasonable decisions based on that evidence. Part of my role is to ensure that appeal panels have all the needed resources to perform their role. I thank all of our appeal panel members for their commitment and service to our university community. Their work is a very important contribution to fostering and maintaining the values of the university, for all members of our community.

### Appeal / Discipline Decision Statistics

In conjunction with administering appeals, my office collects and maintains the statistics from every discipline decision made at the university under the COSB and COAB.

Looking at the attached statistics, this year saw a decrease in the number of appeals compared to the previous year. Compared to the previous year, 2017-2018 also saw a decrease in the overall number of discipline decisions made across the university by Deans and Discipline Officers (325 this year versus 381 the previous year and 429 the year previous to that), with the majority of those decisions concerning the academic offences of plagiarism and cheating. Although not statistically tracked, a significant number of appeals are received from international students.

While the provided statistics include general outcomes of the appeals heard, caution should be used before considering any trends from these outcomes. The sample size is very small and each case was decided on its own unique merits, with the resulting statistics providing simply a snapshot of the outcomes for those particular cases heard and decided.



Attachments: Statistics for University Level Appeal Processes and University-wide Discipline Decisions

**[Statistics based upon year of appeal deadline.]**

A handwritten signature in blue ink that reads "Michael Peterson".

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Michael Peterson

Appeals and Compliance Officer

University Governance, University of Alberta

October 16, 2018

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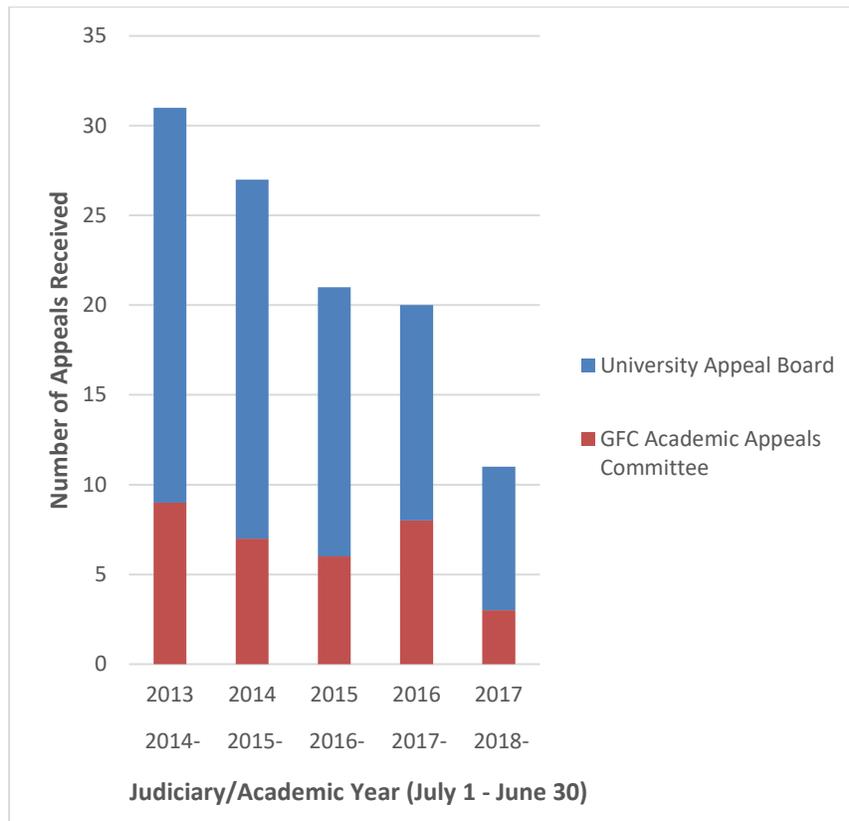
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Figure 1

**Number of Appeals Received by University Governance**

Judiciary/Academic Year (July 1 - June 30)	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018
University Appeal Board	22	20	15	12	8
GFC Academic Appeals Committee	9	7	6	8	3
GFC Practice Review Board	0	0	0	0	0
<b>TOTAL NUMBER OF APPEALS</b>	<b>31</b>	<b>27</b>	<b>21</b>	<b>20</b>	<b>11</b>



Notes:

- These numbers reflect the number of appeal cases.
- An appeal case can include more than one offence and a student can appeal the offence(s), severity of sanction(s), or both the offence(s) and severity of sanction(s).

Figure 2

**UAB Disposition of Appeals  
July 1, 2017 to June 30, 2018**

Appeal Upheld	2
Appeal Denied	3
Appeal in Progress (Undetermined)	1
Appeal Withdrawn	2
<b>Total Appeal Cases</b>	<b>8</b>

Sanction Increased	0
Sanction Decreased	1
Sanction Timing Varied	0

- As students can be charged with and appeal more than one offence, and because appeals may concern the offence(s), severity of sanction(s), or both, the total number of appeal cases and how sanctions were addressed will not necessarily match.
- If sanctions were not increased/decreased/timing varied, the sanctions were confirmed and stayed the same; if the offence appeal was upheld, there were no sanctions.
- The Governance discipline database does not track the disposition of appeals by issue i.e. it cannot track disposition by the multiple issues of offence(s) and/or severity of sanction(s). If an appeal is upheld on any one issue, it is categorized as "Appeal Upheld". To provide the most accurate picture, I have calculated the disposition of appeals by issue as follows:

Issues of Appeal	Appeal Upheld	Appeal Denied
Offence(s)	1	1
Severity of Sanction(s)	2	3

Figure 3

**GFC AAC Disposition of Appeals  
July 1, 2017 to June 30, 2018**

Appeal Upheld	0
Appeal Denied	2
Returned to Faculty	0
Taken Back by Faculty	1
Appeal Withdrawn	0
Appeal in Progress	0
Total Appeals	3

- “Returned to Faculty” means the GFC AAC decided at the appeal hearing to return the matter to the Faculty Academic Appeals Committee for re-hearing, based upon new evidence being introduced at the appeal hearing.
- “Taken Back by Faculty” means the student provided new information as part of the appeal and, before the GFC AAC hearing, the Faculty chose to reconsider the matter at the Faculty level.

Figure 4

**GFC PRB Disposition of Appeals  
July 1, 2017 to June 30, 2018**

Appeal Upheld	0
Appeal Denied	0
Total Appeals	0

Figure 5

**Category of Sanction by Decision Maker Under COSB  
July 1, 2017 to June 30, 2018**

<b>Sanction Type Description</b>	<b>Count</b>	<b>Final Decision By</b>
Exclusion	2	Discipline Officer
Less Than Suspension or Expulsion	305	Dean
Less Than Suspension or Expulsion	9	Discipline Officer
Less Than Suspension or Expulsion	4	UAB
No Sanction Imposed by Dean	1	Dean
Suspension or Expulsion	8	Discipline Officer

Figure 6

**COSB Discipline Decisions  
July 1, 2017 to June 30, 2018**

Charge/Offence Description	1	2	3	4	5	GS N/A	N/A	N/A Applicant
Cheating	33	20	11	19			7	
Misrepresentation of Facts	5	2	5	1			1	
Participation in an Offence	8	3	3	1				
Plagiarism	83	44	33	25	1	17	14	
Inappropriate Behaviour in Professional Programs			1					
Alcohol Provision and Consumption							1	
Damage to Property		2						
Disruption			1	1			1	
Dissemination of Malicious Material			2					
Retaliation			1					
Unauthorized Use of Facilities, Equipment, Materials, Services or Resources	2			1				
Violations of Safety or Dignity	4	1	1	2			1	

- Columns 1 through 5 refer to year of program of student when offence occurred.
- GS N/A refers to graduate student not applicable (i.e. no program year).
- N/A students are students in Open Studies, Faculty of Extension, Visiting Students, Previous Students and Special Students.
- N/A applicant refers to students reapplying who have been charged with offence re application; do not have a year of program.
- A student can be charged with more than one offence, so charges and case numbers will differ.

Figure 7

**COAB Discipline Decisions  
July 1, 2017 to June 30, 2018**

Charge Description	COAB Applicants
Misrepresentation of Facts	6

Figure 8

**Cases Reviewed by Deans, University of Alberta Protective Services,  
Discipline Officers, Registrar, and the UAB Under COSB  
July 1, 2017 – June 30, 2018**

Decision Maker	Forwarded By	Count
Dean	Not Applicable	306
Discipline Officer	Dean	7
	UAPS	12
UAB	Not Applicable	4

- In all cases where a sanction of suspension or expulsion has been recommended by a Dean the case goes to the Discipline Officer for review and adjudication.

Figure 9

**Cases Reviewed Under COAB  
July 1, 2017 – June 30, 2018**

Decision Maker	Forwarded By	Count
Registrar	Not Applicable	5
UAB	Not Applicable	1

Figure 10

**Charge Count by Category of Sanction and Decision Maker Under COSB  
July 1, 2017 – June 30, 2018**

Decision Maker	Exclusion	Less Than Suspension or Expulsion	No Sanction Imposed by Dean	Suspension or Expulsion	UAB dismissed charge
Agricultural, Life and Environmental Sciences		5			
Arts		109		5	1
Augustana		9			
Business		5			
Education		5			
Engineering		20	1	1	
Extension		24			
Graduate Studies and Research		2			
Medicine and Dentistry		2			
Nursing		1			
Kinesiology, Sport, and Recreation		1			
Science		147		2	
UAPS	5	10		2	

Figure 11

**Case Count by Category of Sanction and Decision Maker Under COSB  
July 1, 2017 – June 30, 2018**

Decision Maker	Exclusion	Less Than Suspension or Expulsion	No Sanction Imposed by Dean	Suspension or Expulsion	UAB dismissed charge
Agricultural, Life and Environmental Sciences		5			
Arts		106		5	1
Augustana		9			
Business		5			
Education		3			
Engineering		20	1	1	
Extension		19			
Graduate Studies and Research		2			
Medicine and Dentistry		2			
Nursing		1			
Kinesiology, Sport, and Recreation		1			
Science		136		1	
UAPS	2	9		1	

*Figure 12*

**Charge Count by Category of Sanction and Decision Maker Under COAB  
July 1, 2017 – June 30, 2018**

<b>Decision Maker</b>	<b>COAB - Refuse Application up to 5 years</b>
Registrar's Office	5
UAB	1

*Figure 13*

**Case Count by Category of Sanction and Decision Maker Under COAB  
July 1, 2017 – June 30, 2018**

<b>Decision Maker</b>	<b>COAB - Refuse Application up to 5 years</b>
Registrar's Office	5
UAB	1