

## **Faculty of Medicine & Dentistry Academic Appeals Policy for Undergraduate and Graduate Students**

### **1.0 Overview**

This document sets out informal and formal appeal procedures regarding:

- a. Final grades for undergraduate and graduate Students taking courses offered by the Faculty of Medicine & Dentistry; and
- b. Academic Standing matters for undergraduate Students in the Faculty of Medicine & Dentistry.

Section 2.0 *Final Grade Appeals* of this document describes the procedures for appeal of a final grade in a course offered by the Faculty of Medicine & Dentistry. These procedures apply to all final grade appeals in Medicine & Dentistry courses whether or not the Student is registered in the Faculty of Medicine & Dentistry.

Section 3.0 *Academic Standing Appeals* of this document describes the procedures for Academic Standing appeals. These procedures apply to undergraduate Students registered in the Faculty of Medicine & Dentistry.

### **1.1 Exclusions**

Denial of admission/re-admission to the Faculty of Medicine & Dentistry is not subject to appeal. For University-wide policy in this area see the University of Alberta Calendar *Appeal of Admissions and Readmission Decisions*. In addition, denial of a request for an excused absence or deferred examination and denial of an application for a re-examination are not subject to appeal. There shall be no appeal on the transfer of courses from another post-secondary institution, from another Faculty or from another degree program within the Faculty of Medicine & Dentistry.

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### **1.3 Definitions:**

Definitions listed below apply to this document only with no implied or intended institution-wide use:

1. "Academic Standing" means any matter covered in a Faculty's academic standing regulations as approved by GFC, its Executive or the GFC Programs Committee (PC) and as published in the University Calendar. Academic Standing comprises such matters as continuation in a program, promotion, graduation, and the requirement for a student to withdraw. Unless stated otherwise, changes to academic standing regulations affect new students, continuing students, and students readmitted to a program or Faculty. Students should refer annually to the University Calendar for the Academic Standing regulations governing their degree programs."
2. "ASC" means Academic Standing Committee. The committees within Medicine, Dentistry and Dental Hygiene, Medical Laboratory Science and Radiation Therapy, responsible for assessing the Academic Standing of undergraduate Students in the Faculty of Medicine & Dentistry.
3. "Advisor" means a person who will assist the Appellant or the Respondent during the appeal process. Assistance may be provided by the Office of the Student Ombuds, Office of Advocacy and Wellbeing (OAW), Student Legal Services, legal counsel or another Advisor of the Appellant's or Respondent's choice.
4. "Appellant" means a Student appealing a decision of the Faculty of Medicine & Dentistry.
5. "Chair" means the Chair of the Faculty of Medicine & Dentistry's Academic Appeals Committee.
6. "DDS" means Doctor of Dental Surgery.
7. "DH" means Dental Hygiene.

8. "Dean" means the Dean, or delegate, of the Faculty of Medicine & Dentistry whose decision is being appealed.
9. "Evaluation of Performance" means the periodic assessment of the clinical skills and attributes of a Student, as conducted by the rotation/clerkship Preceptor(s) and/or a formal structured assessment within a clinical discipline.
10. "Faculty" means the Faculty of Medicine & Dentistry (FoMD) and includes any person or body who has exercised or is exercising any power of the Faculty with respect to final grades and Academic Standing ("faculty" used in the lower case means full-time academic staff).
11. "FAAC" means the Faculty Academic Appeals Committee. The FAAC is the final Faculty level of appeal for Students as noted in Section 5.0 of this document.
12. "FASPC" means the Faculty of Medicine & Dentistry Academic Standing and Promotion Committee. The FASPC is responsible for applying the Academic Standing regulations in the review of undergraduate Student academic performance.
13. "Grade" means the composite of all marks assigned in a course (which includes but is not limited to clinical rotations) as detailed in the course syllabus and/or Calendar.
14. "GFC" means General Faculties Council. The University's governing body that has statutory authority over academic matters and student affairs.
15. "GFC AAC" means the General Faculties Council Academic Appeals Committee.
16. "OAW" means the Office of Advocacy and Wellbeing in the Faculty of Medicine & Dentistry.
17. "MD" means Doctor of Medicine.
18. "MLS" means Medical Laboratory Science.
19. "RADTH" means Radiation Therapy Program.
20. "Panel" means, the FAAC members constituted to hear an appeal as set out in Section 5.6 of this policy.
21. "Panel Member" means the Chair, or a member of the Panel of Faculty Members or the Panel of Students, as set out in Section 5.4 of this policy.
22. "Public Safety" may include, but is not limited to, protection from behaviours of the Student as a result of mental illness, harassment by the Student or other perceived violent or disturbing behaviour by the Student.
23. "Student" means an undergraduate or graduate Student, as defined in the University of Alberta Calendar.

24. "Respondent" means a person designated by the Dean, or delegate, who responds to an appeal on behalf of the Faculty.
25. "University" means the University of Alberta.
26. "Vice-Dean, Education" means the senior faculty officer responsible for all facets of education in the Faculty of Medicine & Dentistry. The Vice-Dean, Education, acts under delegated authority from the Dean to oversee Faculty of Medicine & Dentistry student appeals.
27. "Working Day" is defined as a day on which University administrative offices are open. For the purposes of these regulations, the day preceding the Christmas holiday period shall not be considered a Working Day for appeal deadlines.
28. "Written Reasons" is a brief written summary of the arguments and evidence presented at the FAAC hearing along with the reasons for the decision.

## **2.0 Final Grade Appeals**

There are informal levels of appeal and a final level of formal appeal for final grades<sup>1</sup> in the FoMD. Before launching a formal appeal, Students shall try to resolve the issue concerning the final grade assigned through the informal grade appeal procedure outlined in Section 2.2.2. Students must have exhausted all informal grade appeal processes before appealing to the Faculty Academic Appeals Committee (FAAC).

For the purposes of this policy, FoMD courses include courses outlined in the Calendar as well as any courses subsequently approved and offered by the FoMD that have been posted on Bear Tracks.

### **2.1 Restrictions for Final Grade Appeals**

Denial of a request for an excused absence or deferred examination and denial of an application for a re-examination are not subject to appeal. For complete regulations concerning re-examination privileges, consult *Appeal of Admissions and Readmission Decisions* in the University of Alberta Calendar.

Grade appeals will not be considered in cases in which a deferred examination or re-examination was granted but the Student failed to take the exam.

Students who have been charged under the *Code of Student Behaviour* and have been given a sanction that affects their grade in the course are subject to the restrictions set out in Section 30.5.1 of the *Code of Student Behaviour*:

<https://www.ualberta.ca/governance/resources/policies-standards-and-codes-of-conduct/code-of-student-behaviour.html>

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<sup>1</sup> In this policy when Grade(s) is being referenced, Grade always refers to the Final Grade.

## 2.2 Procedures for Final Grade Appeals

### 2.2.1 Grounds for Appeal

The final grade assigned in a course may be appealed by the Student on the following grounds, which may include, but are not limited to:

- a. procedural errors;
- b. bias or discrimination against the Student.

Documentation in support of the grounds for appeal must be submitted, where relevant.

### 2.2.2 Initiation of Final Grade Appeals

There are deadlines for the initiation of informal and formal grade appeals. **Informal grade appeals must be initiated within ten (10) Working Days** of the grade being posted by the Faculty in the manner described by the course coordinator or program. Failing resolution of any informal grade appeal, **formal grade appeals must be submitted by the student with complete documentation within ten (10) Working Days** of the deemed receipt of written notification of the informal (last level) decision being appealed. Late grade appeals will not be considered.

For undergraduate students who have been granted a deferred final examination or a re-examination, and subsequently decide that they want to appeal the Grade received for the deferred examination or re-examination, the deadline for submitting a grade appeal is **ten (10) Working Days** after the date the grade has been posted by the Faculty.

### 2.2.3 Informal Final Grade Appeal Procedure

**Informal grade appeals must be initiated within ten (10) Working Days of the grade being posted by the Faculty.** Students are to use the *Informal Final Grade Appeal* form (Appendix 1 of this policy) to initiate the informal process.

Students taking courses offered by the FoMD shall attempt to resolve grievances regarding their grade in a course with the individuals set out in the chart below. There are three (3) levels in the informal process to resolve grievances concerning grades (see the charts below). The grievance concerning the grade may be resolved with the 1<sup>st</sup> level or 2<sup>nd</sup> level decision maker and it may not be necessary for a Student to pursue all three (3) levels of informal appeal. The informal process is meant to precede and to avoid the need for formal appeal, but does not preclude a formal appeal to the FAAC.

Program/Year/Courses	1 <sup>st</sup> Level Decision Maker	2 <sup>nd</sup> Level Decision Maker	3 <sup>rd</sup> Level Decision Maker
DDS	Course Coordinator/Director, Instructor or Small Group Coordinator	Associate Chair, Academic, Department of Dentistry	Senior Associate Dean, Dentistry

Program/Year/Courses	1 <sup>st</sup> Level Decision Maker	2 <sup>nd</sup> Level Decision Maker	3 <sup>rd</sup> Level Decision Maker
DH	Course Coordinator/Instructor or Small Group Coordinator	Director, Dental Hygiene Program	Senior Associate Dean, Dentistry
MD – Years 1 and Year 2	Course Coordinator/Instructor	Assistant Dean, Academic MD Program	Associate Dean, MD Program
MD – Years 3 and 4	Clerkship Coordinator	Assistant Dean, Academic MD Program	Associate Dean, MD Program
MLS	Course Coordinator/Instructor	Program Coordinator, Medical Laboratory Sciences	Program Director, Medical Laboratory Science
RADTH	Course Coordinator/Instructor	Senior Program Director, Radiation Therapy	Chair, Department of Oncology or designate

Program	1 <sup>st</sup> Level Decision Maker	2 <sup>nd</sup> Level Decision Maker	3 <sup>rd</sup> Level Decision Maker
Graduate Students (registered with the FGSR)	Instructor	Department Chair	Associate Dean, Research/Graduate Programs
Graduate Students (registered with the FGSR) taking ANAT	Instructor	Director, Division of Anatomy	Associate Dean Research/Graduate Programs
Undergraduate Students from other Faculties taking BIOCH, CELL, NEURO, PMCOL, and PHYSL	Instructor	Undergraduate, Associate Chair	Associate Dean, Research/Graduate Programs
Undergraduate Students from other Faculties taking ANAT	Instructor	Director, Division of Anatomy	Associate Dean Research/Graduate Programs

Once the decision maker has met with the Student to review the grade and has made a decision, they will complete the *Informal Final Grade Appeal* form, and provide their decision to the Student, normally, **within 5 Working Days**. If the matter is not resolved, the student must initiate each informal level of review **within ten (10) Working Days<sup>2</sup>** of the deemed receipt of the written decision<sup>3</sup> from the appropriate decision maker.

### 2.2.3.1 Procedures for the 3<sup>rd</sup> Level Decision Maker

If the matter is not resolved by the informal process, the 3<sup>rd</sup> level decision maker is responsible for informing the Student, in writing, of the outcome of the informal appeal and informing the Student that:

<sup>2</sup> For accreditation purposes there needs to be specific time lines for resolution of the appeal and communication with the student concerned.

<sup>3</sup> Under the terms of this policy, written decisions may be effected by pick-up or hand-delivery, by mail, or by courier, see Section 7.0 *Service and Notice*.

- a. there is a right of formal appeal to the FAAC;
- b. any formal appeal must be submitted to the **Vice-Dean, Education, in the Faculty of Medicine & Dentistry, 2J2 Walter C Mackenzie Health Sciences Centre**;
- c. the deadline for submitting a formal appeal is **within fifteen (15) Working Days** from the deemed receipt of the written decision; and
- d. the Student has the right to the assistance of an Advisor.

#### **2.2.4 Formal Final Grade Appeal Procedure**

To initiate a formal grade appeal, the Student must complete the *Academic Appeal Form* attached as Appendix 2 to this policy, and submit it along with any and all supporting documentation to the **Vice-Dean, Education, in the Faculty of Medicine & Dentistry, 2J2 Walter C Mackenzie Health Sciences Centre, within fifteen (15) Working Days of the deemed receipt of the** written decision from the 3<sup>rd</sup> Level Decision Maker.

Decisions of the FAAC concerning grade appeals are final and binding. There is no further right of appeal to the GFC Academic Appeals Committee (GFC AAC). As noted in Section 1.4 of the University's Academic Appeals Policy, the GFC AAC has no jurisdiction to hear an appeal with respect to marks or grades awarded.

### **3.0 Academic Standing Appeals**

The Faculty of Medicine & Dentistry has established Academic Standings regulations approved by FoMD Faculty Council and by General Faculties Council as published in the University Calendar. Academic Standing regulations for the Student's program are governed by the current Calendar. Degree program requirements are governed by the Calendar in effect at the time the Student was admitted or readmitted to the FoMD.

In the FoMD, an undergraduate student's Academic Standing is assessed at the end of the academic year by two committees: the program-level Academic Standing Committee (ASC), and the Faculty Academic Standings and Promotion Committee (FASPC).

The FoMD has established program-level ASC's for each program: four in Medicine (MD); one in Medical Laboratory Science (MLS); one in Radiation Therapy (RADTH); and one in Dentistry, for Students in both the DDS and DH programs.

The appropriate program ASC assesses Academic Standing for each Student in the program in accordance with the Academic Standing regulations set out in the University Calendar. The ASC prepares lists of Students in various Academic Standing categories and makes recommendations to the FASPC.

The FoMD Faculty Council has delegated to the FASPC the responsibility for applying the Academic Standings regulations in the review of undergraduate Student academic performance.

In the regulations set out below, when Academic Standing appeals are being referenced "Student" always refers to an undergraduate Student.

### **3.1 Restrictions for Academic Standing Appeals**

The standards of Student academic performance required for promotion and graduation, as described in the Academic Standings regulations set out in the University Calendar, are not subject to appeal; however, the application of the standards are appealable on appropriate grounds, as noted in Section 3.3.1 of this policy.

### **3.2. Informal Academic Standing Appeal Procedure**

A Student is initially assessed by the appropriate ASC. A Student who is found to be in academic difficulty will be contacted by the senior program administrator. The senior program administrator will provide the Student with an opportunity to meet and discuss any extenuating circumstances that may have affected the Student's academic performance. The Student is encouraged to bring to this meeting an advocate from the OAW or a representative from the Office of the Student Ombuds, or an Advisor of their choice.

The senior program administrator will advise the Student that their Academic Standing will be discussed at the FASPC meeting when Academic Standing is officially assessed and applied by the FASPC. The Student will be further advised of their right to present information directly to the FASPC. The Student will be provided with the date and time of the meeting, at least **two (2) Working Days** in advance of the meeting. A Student who does not want to, or is unable to appear before the FASPC can have an Advisor or representative present information on their behalf.

The FASPC will hear from the senior program administrator and the Student (and/or the Student's advocate) and will make a ruling on the Student's Academic Standing. Should the FASPC allow a Student to continue it can impose any conditions it deems appropriate. Under certain circumstances, Students may be allowed re-examination privileges in failed courses. The FASPC may require a Student to satisfactorily complete a remedial program before they are permitted to take a re-examination.

Students can appeal the FASPC decision, including such matters as: the setting of conditions which must be met by the Student in order to continue in their program; a requirement that the Student withdraw from their program; or a decision to deny promotion or graduation. In such cases the FASPC will notify the Student of their right to appeal to the FAAC, and that the appeal must be received **within fifteen (15) Working Days** of the deemed receipt of its decision.

Section 5.2.3 states, that "[t]he FAAC shall have no jurisdiction to hear an appeal until the Student has exhausted all informal appeal processes available within the Faculty." The meeting with the senior program administrator and the meeting with the FASPC shall be considered informal levels of appeal for the purposes of the FAAC having jurisdiction to hear the appeal.

### **3.3 Formal Academic Standing Appeal Procedure**

To initiate a formal Academic Standing appeal, the Student must complete the *Academic Appeal Form* attached as Appendix 2 to this policy, and submit it along with any and all supporting documentation to the

**Vice-Dean, Education, in the Faculty of Medicine & Dentistry, 2J2 Walter C Mackenzie Health Sciences Centre, within fifteen (15) Working Days of the deemed receipt of the FASPC's written decision.**

### **3.3.1 Grounds for Appeal**

Students who have had their academic performance adversely affected by an unusual or extraordinary circumstance or set of circumstances may appeal to the FAAC.

FASPC decisions in the application of the Academic Standings regulations may be appealed by the Student on appropriate grounds, which may include, but are not limited to:

- a. procedural errors;
- b. the Student believes that there were extenuating circumstances having a bearing on their performance that were not known to the FASPC;
- c. the Student believes that all factors relating to their performance were not adequately considered;
- d. bias or discrimination against the Student.

If the grounds for appeal relate to extenuating circumstances, the Student should articulate in writing the extenuating circumstances they have faced. The FAAC would like to know if there was a single event or a number of events or incidents which led to the poor academic performance. The Student should be specific and support the assertions with facts. The Student may, however, also provide verbal explanations at the time of the appeal hearing.

Documentation in support of the grounds for appeal must be submitted, where relevant. Examples of documentation that could be provided include: medical documentation, a death certificate, a statutory declaration in the case of domestic affliction (for example domestic abuse or primary care of a family member), or letters of support testifying to the Student's academic potential are examples of documentation that could be included.

The FAAC recognizes that due to the personal nature of the extenuating circumstances, the Student may not have provided this information at the informal level of appeal to the FASPC; if this is the case, the Student is to indicate what information that is being provided is new.

In cases where a Student is required to withdraw, and is appealing their grade in one or more courses the Chair of the FAAC, in consultation with the Vice-Dean, Education, may decide to have the Student's appeal on both matters (the Grade(s) and the Academic Standing) heard at the same time by the same FAAC. The Chair's decision is final and binding.

### **3.3.2 Relief Requested**

The Student can state their preference for relief from most desirable to least desirable. For example, the Student could request that they rewrite an examination; request an additional opportunity to demonstrate a

satisfactory level of knowledge or performance; request remedial training prior to the taking of a re-examination; and/or request a leave of absence.

Students should be aware that the remedy of a re-examination is not a guaranteed remedy, as there is a possibility that the student would not achieve the level of performance required on the re-examination or that the Student has already been afforded one re-examination privilege during the academic year.

#### **4.0 Appeals to the Faculty Academic Appeals Committee (FAAC)**

Upon receipt of an appeal, the Faculty level appeal process is initiated as noted in Section 6.0 of this policy. Section 5.0 of this policy sets out information regarding the Faculty Academic Appeals Committee (FAAC).

##### **4.1 Information on the Preparation and Submission of Appeals**

Information on the submission of appeals, associated deadlines, and other process related matters is available from the **Office of the Vice-Dean Education, 2J2.07 Walter C Mackenzie Health Sciences Centre**. Students wishing to consult the Vice-Dean, Education, should make an appointment, and may do so by contacting the executive assistant to the Vice-Dean at 780-492-5995.

Advice and assistance in the preparation and submission of appeals is available from the OAW in the FoMD, Office of the Student Ombuds, Student Legal Services or any other Advisor a Student may choose.

#### **5.0 Faculty Academic Appeals Committee**

##### **5.1 Authority**

Section 29 (3) of the *Post-Secondary Learning Act* states that “A faculty council may delegate any of its powers, duties and functions under this Act as it sees fit and may prescribe conditions governing the exercise or performance of any delegated power, duty or function, including the power of subdelegation.”

The FoMD Faculty Council has established a Faculty Academic Appeals Committee (FAAC) and has delegated to the (FAAC) the right to hear final level of appeals from Students as set out in Sections 5.2 and 5.3 of this policy. In accordance with Section 1.1.1 of the University’s Academic Appeals Policy: “General Faculties Council is interested in ensuring that each Faculty at the University establish procedures whereby decisions affecting the Academic Standing of a Student may be reviewed and appealed within the Faculty.”

##### **5.2 Jurisdiction of the FAAC**

1. The FAAC shall hear and determine grade appeals from undergraduate and graduate Students.
2. The FAAC shall hear and determine appeals from undergraduate Students registered in the Faculty of Medicine & Dentistry regarding adverse Academic Standing decisions. Academic Standing includes but is not limited to such matters as: the requirement for a Student to withdraw; the setting of conditions such as remediation in order for a student to continue in their program; promotion and graduation.

3. The FAAC shall have no jurisdiction to hear an appeal until the Student has exhausted all informal appeal processes available within the Faculty.
4. The FAAC shall have no jurisdiction to hear an Academic Standing appeal where:
  - a. the Student was granted relief by the Faculty with written conditions and specified consequences should the conditions not be met; and
  - b. the Student was informed of both the right of appeal at the time the conditions were set and that, by not appealing the conditions and specified consequences, any further appeal rights were waived.
5. The FAAC shall have no jurisdiction to hear an appeal with respect to:
  - a. a decision to refuse admission or readmission to the Faculty;
  - b. a decision relating to the granting of credit for courses taken or to be taken outside the University of Alberta;
  - c. a discipline matter or a decision on Academic Standing arising from a discipline matter<sup>4</sup>;
  - d. a decision on Academic Standing arising from a Practicum Intervention, as defined and set out in the Practicum Intervention Policy<sup>5</sup>.
6. The FAAC shall hear an appeal from the Student against the same decision only once. However, students who appeal an FAAC decision regarding Academic Standing may come before the FAAC a second time if this is specifically requested in writing by the GFC AAC. For example, such a request may occur if new information has been produced.

### **5.3 Powers of the FAAC**

1. The decision of the FAAC shall be either:
  - a. to uphold (grant) the Student's appeal and grant relief;
  - b. to deny the appeal.
2. In cases where the FAAC upholds the appeal, the FAAC has unfettered discretion to grant relief. In all cases, Students granted relief shall proceed with written conditions and specified consequences should the conditions not be met. Examples of relief may include, but are not limited to: directing that a Student rewrite an examination; requiring appropriate remedial training be satisfactorily completed before a re-examination is written; providing a Student with an additional opportunity to demonstrate a satisfactory level of knowledge or performance.
3. In cases where the FAAC grants repeat examinations or other forms of evaluation, the standard to be met by the Student shall be determined by the FASPC in advance of the examination or other evaluation and the student notified at the earliest opportunity.

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<sup>4</sup> Refer to the Code of Student Behaviour for policy related to appeal of a disciplinary matter.

<sup>5</sup> Refer to the Practicum Intervention Policy for policy related to the Practicum Interventions.

4. A Student can appeal an Academic Standing decision made by the FAAC and/or the conditions imposed by the FAAC. In either case the Student would need to appeal **within fifteen (15) Working Days of the deemed receipt of the FAAC decision**, to the GFC AAC as set out in the University's Academic Appeals Policy.

<https://www.ualberta.ca/governance/resources/policies-standards-and-codes-of-conduct/academic-appeals-policy.html>

#### **5.4 Composition of the FAAC**

The FAAC is comprised of the members as set out below. The Chair, the Panel of Faculty Members and the Panel of Students are eligible to sit on appeal hearings as set out in Section 5.6 of this policy.

##### *Chair of the Academic Appeals FAAC*

The Chair shall be appointed by the Dean, and preferably will be someone who has previously served on the FAAC or has previous experience with appeals. The Chair shall not be a current member of the Dean's Executive Committee (DEC), any Academic Standing Committee (ASC) in the Faculty or the Faculty Academic Standing and Promotions Committee (FASPC), any Residency Program Committee (RPC) or the Academic Review Board (ARB). The Chair is eligible to hear appeals from Postgraduate Medical Education Students, undergraduate Students, and graduate Students.<sup>6</sup>

##### *Panel of Faculty Members*

The Faculty of Medicine & Dentistry shall elect between ten (10) and fifteen (15) faculty members. Faculty members shall not be a current member of the DEC, any ASC in the Faculty, the FASPC, any RPC or the ARB. The faculty members are to be elected by a vote of the full-time academic staff of the Faculty of Medicine & Dentistry. The intent will be to ensure an opportunity for wide representation from across the Faculty. Faculty members are eligible to hear appeals from undergraduate Students, graduate Students and Postgraduate Medical Education students.

##### *Panel of Student Members*

The respective students' association shall normally appoint eight (8) student members in the following manner: three (3) from the Medical Students' Association, three (3) from Dentistry (two (2) from the Dental Students' Association and one (1) from Dental Hygiene), one (1) from Medical Laboratory Science, one (1) from Radiation Therapy, and one (1), normally, from the Graduate Students' Association. Undergraduate Student members of the FAAC shall not be current members of any ASC in the Faculty or the FASPC. Student members are eligible to hear appeals from undergraduate and graduate Students as set out in Section 5.6 in this policy.

The Professional Association of Residents of Alberta (PARA) shall normally appoint five (5) student members. Student members of the FAAC shall not be current members of any RPC or the ARB. The student

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<sup>6</sup> Please Note: there is a separate policy that deals with appeals from Postgraduate Medical Education Students; however, the Chair, the faculty members and student members can serve on appeals as delineated in this policy.

members are eligible to hear appeals from PME Students as set out in Section 5.6 of the *Faculty of Medicine & Dentistry Academic Appeals Policy for Postgraduate Medical Education Students*.

### **5.5 Terms of Office for FAAC Members**

1. The Dean shall determine the term of office for the Chair.
2. The faculty members will serve for staggered terms of up to three (3) years.
3. The Student members will normally serve a one (1) year term.
4. Any Panel Member who has been called to serve on the FAAC for a particular case may complete their service on that case even if their term expires or, in the case of student members, a student graduates or changes status from undergraduate to graduate or graduate to undergraduate status.

### **5.6 Constituting the Panel to Hear an Appeal**

1. The FAAC members constituted to hear an appeal shall consist of the Chair, two (2) other faculty members, and two (2) student members (hereinafter referred to as the "Panel").
2. If the Chair of the FAAC is not able to Chair a hearing, the Vice-Dean, Education, shall have the discretion to appoint a faculty member as Chair for a hearing. The Vice-Dean, Education, may appoint the Chair from among the elected faculty members of the FAAC, or from outside the FAAC.
3. For each appeal, the Chair will constitute the Panel from the *Panel of Faculty Members* and the *Panel of Students*. In cases where members are unavailable, the Vice-Dean, Education, or the Chair may appoint members as noted in this section:
  - a. No Panel member shall have been involved previously in the academic matter being appealed;
  - b. If no faculty members from the *Panel of Faculty Members* are available, the Chair of the FAAC or the Vice-Dean, Education, may appoint from outside the *Panel of Faculty Members* other faculty members to constitute the Panel. In such cases, both parties will be given the opportunity to challenge potential members of the Panel as noted in Section 6.1.2;
  - c. If no student members from the *Panel of Student Members* are available, the Chair of the FAAC or the Vice-Dean, Education, may appoint from outside the *Panel of Student Members* other student members to constitute the Panel. In such cases, both parties will be given the opportunity to challenge potential members of the Panel as noted in Section 6.1.2;
  - d. If an appeal is from a Student in the MD Program, at least one (1) student member on the hearing Panel should be from the MD program;
  - e. If an appeal is from a student in the MLS program, at least one (1) student member on the Panel should be from Medical Laboratory Science;
  - f. If an appeal is from a DDS Student in the Department of Dentistry, at least one (1) student member on the Panel should be from the DDS program;

- g. If an appeal is from a Dental Hygiene Student, at least one (1) student member on the Panel should be from the Dental Hygiene program;
- h. If an appeal is from a Radiation Therapy Student, at least one (1) student member on the Panel should be from the Radiation Therapy program;
- i. If a grade appeal is from a graduate Student, one (1) graduate student member, should normally be on the Panel. The second student member will be an undergraduate student and can come from any program offered by the FoMD;
- j. If a grade appeal is from an undergraduate Student, the student members will be undergraduate students and can come from any program offered by the FoMD;
- k. Panel members will be asked in advance of a hearing to declare any possible bias. If a Panel member declares such a bias, a member from the same category will be selected from the members that both parties were given an opportunity to challenge.

## **6.0 FAAC Procedures**

### **6.1 Procedures Prior to an FAAC Hearing**

1. Upon receipt of an appeal, the Vice-Dean, Education, shall:
  - a. provide the name of the Chair to the Appellant and Respondent, and to the extent possible, provide the date being considered by the Chair for the hearing;
  - b. provide the Appellant and Respondent with a written acknowledgement of the appeal;
  - c. provide a copy of the appeal and all documents provided by the Appellant;
  - d. provide the Appellant and Respondent with a list of On-Campus Sources of Assistance;
  - e. in the case of an Academic Standing appeal advise the Respondent that their response must include the following minimum information:
    - i. response to the Appellant's grounds for appeal;
    - ii. the academic standing regulations from the Calendar governing the Appellant's program (normally the current Calendar regulations);
    - iii. a copy of the Appellant's transcript;
    - iv. any documentation that the Respondent plans to refer to at the hearing.
  - f. in the case of a Grade appeal advise the Respondent that their response must include the following minimum information:
    - i. response to the Appellant's grounds for appeal
    - ii. any documentation that the Respondent plans to refer to at the hearing.
  - g. advise the Respondent that a response is required **within fifteen (15) Working Days** of the deemed receipt of the material;
  - h. provide the Appellant and the Respondent with the FAAC membership list.
2. The Appellant and Respondent will have **five (5) Working Days** after receipt of the FAAC membership lists to lodge any challenge requesting that a Chair or a panel member not serve on the appeal. Challenges may only be made on the grounds that the Chair or panel member may have a bias that would prevent a fair hearing. The challenge must include written reasons to support the challenge. The Chair shall consider and rule upon the challenge. The decision of the Chair will be made without receiving further submissions and shall be final and binding.

3. Neither party shall have independent direct contact with the Chair about the appeal prior to the hearing. In the event that a procedural issue is raised before the hearing, the Vice-Dean, Education, will refer the matter to the Chair. The Chair will make a decision on the issue and before doing so may consult with the Vice-Dean, Education, and may consult with members of the Panel. At the request of the Vice-Dean, Education, or one of the parties, the Vice-Dean, Education, may ask the Chair to speak with both parties, and/or their Advisors, directly and together. The decision of the Chair shall be final and binding.
4. Once the appeal has been received, either the Appellant or the Respondent may request in writing an extension of any future time limits. The Chair may extend any of the time limits where they are of the opinion that the Appellant or Respondent has reasonable grounds for requesting such extension. The decision of the Chair may be made without a hearing and shall be final and binding.
5. The Appellant and Respondent must notify the Vice-Dean, Education, immediately upon selecting an Advisor for purposes of representation at the FAAC hearing. This information will be provided to the Chair, the other party, and the Panel, if constituted.
6. If either the Appellant or Respondent plans to call witnesses, then that party must provide a witness list to the Vice-Dean, Education, at least five (5) Working Days prior to the hearing date. The Vice-Dean, Education, shall ensure that as witnesses become known, the other party and the Panel are informed as to the identity of the witnesses. Each party is responsible for securing the attendance of their witnesses at the hearing.

## **6.2 The FAAC Hearing Date**

1. The Chair shall set a time and place for the hearing of the appeal.
2. The Faculty shall normally establish pre-set hearing dates. The Chair will select a hearing date, normally from the preset hearing dates taking into account the need for parties to be provided with reasonable notice of the hearing date.
3. If the time of the hearing is after the start of the fall, winter, spring, or summer term, the Appellant may be permitted a temporary registration, which is subject to cancellation if the appeal is denied. However, no temporary registration will be permitted if, in the opinion of the Dean, a case of Public Safety is involved. In accordance with the University of Alberta Calendar students who owe money to the University will not have access to registration.
4. The Chair shall provide the Panel Members, the Appellant, the Respondent and their respective Advisors with:
  - a. the date, time and place of the appeal hearing; and
  - b. the appeal, the response, and any documentation received from the parties.

## **6.3 Procedures at the FAAC Hearing**

1. The quorum for the Panel shall be the Chair, one faculty member, and one student.
2. Decisions of the Panel shall be by majority vote, with the Chair casting a vote in all cases.

3. Prior to hearing the case the Panel shall:
  - a. determine whether the appeal falls within its jurisdiction; and
  - b. take the necessary steps to familiarize themselves with the relevant regulations that govern the Student's program.
4. If the Appellant or Respondent does not appear on the date set for the hearing of the appeal, the Panel may, in its discretion, reschedule the hearing or proceed with the hearing in the absence of the Appellant or the Respondent.
5. Both parties and the Panel may call and question witnesses and may call evidence.
6. The Appellant and Respondent may each be accompanied by one Advisor.

#### **6.4 FAAC Suggested Hearing Procedures**

The FAAC shall conduct hearings in a manner which, in its sole discretion, it considers proper. All determinants of process shall be made by the Chair. The hearing will normally follow these procedures, which the FAAC may vary:

- a. The Chair shall make an opening statement to introduce the parties to the appeal;
- b. The Chair shall explain the rules of decorum, review the procedures to be followed, and confirm the jurisdiction of the FAAC. The Appellant and Respondent may make statements, present evidence and ask questions as noted in this section. All questions should be directed through the Chair unless the Chair decides otherwise. The Chair shall ensure that everyone has sufficient opportunity to ask questions;
- c. The Chair shall invite the Appellant (and/or Advisor) to make an opening statement and present their case;
- d. The Chair shall invite the Respondent (and/or Advisor) to question the Appellant.
- e. The Panel may question the Appellant;
- f. The Appellant's witnesses shall be called by the Chair one at a time and shall be present only while they are providing evidence. The witnesses shall be questioned first by the Appellant (and/or Advisor), then by the Respondent (and/or Advisor), and finally by the Panel. The Appellant (and/or Advisor) may then re-question the witness but only on matters that have arisen in the course of the previous questioning by the aforementioned parties;
- g. When questioning is concluded, the witness shall be dismissed by the Chair. The questioning procedures shall be repeated for each witness;
- h. The Chair shall invite the Respondent (and/or Advisor) to make an opening statement and present the case;
- i. The Chair shall invite the Appellant (and/or Advisor) to question the Respondent.
- j. The Panel may question the Respondent;
- k. The Respondent's witnesses shall be called by the Chair one at a time and shall be present only while they are providing evidence. The witnesses shall be questioned first by the Respondent (and/or Advisor); next by the Appellant (and/or Advisor); and finally by the Panel. The Respondent (and/or Advisor) may re-question the witnesses but only on matters that have arisen in the course of the previous questioning by the aforementioned parties;
- l. When questioning is concluded, the witness shall be dismissed by the Chair. The questioning procedures shall be repeated for each witness;

- m. The Chair shall invite the Appellant (and/or Advisor) to present any evidence they may have by way of rebuttal. Such evidence shall be subject to questioning by the Respondent (and/or Advisor), followed by the Panel;
- n. The Chair shall invite the Appellant (and/or Advisor) to make a brief closing statement which is not subject to questioning;
- o. The Chair shall invite the Respondent (and/or Advisor) to make a brief closing statement which is not subject to questioning;
- p. The Chair shall adjourn the hearing for the Panel's deliberation; the Appellant and Respondent (and Advisors) shall leave the hearing; and
- q. The Panel shall deliberate and reach a decision by majority vote.

## 6.5 Communicating the Decision of the FAAC

1. Where practical, the Chair of the FAAC will communicate the decision to the Vice-Dean, Education. The Vice-Dean, Education, will relay the decision to the Appellant (and Advisor) and the Respondent (and Advisor).
2. The Chair shall submit the Written Reasons of the FAAC, normally, within ten (10) Working Days of the decision being reached. The Written Reasons shall be signed by the Chair and provided to the Vice-Dean, Education. The Vice-Dean, Education, shall then send a copy of the decision to the Appellant (and Advisor), the Respondent (and Advisor), and the Dean.
3. In the event of an unsuccessful Academic Standing appeal, the Vice-Dean, Education, is responsible for informing the Student of their right of appeal to the GFC AAC. In such cases, the Student must appeal within the time limit of **fifteen (15) Working Days**, as set out in the University's Academic Appeals Policy. All information as set out in Section 1.1.3 of the University's Academic Appeals Policy must be provided to the Student.<sup>7</sup>
4. In the event of a successful Academic Standing appeal, where the FAAC imposes conditions which must be met by the Student, the Vice-Dean, Education, shall inform the Student that an appeal of the conditions can be made to the GFC AAC. In such cases, the Student must appeal within the time limit of **fifteen (15) Working Days**, as set out in the University's Academic Appeals Policy. It is also important to note for Students that if they fail to appeal the conditions at the time they are set out, should the Student subsequently fail to fulfill the required conditions, further appeal rights are waived (both at the Faculty level and at the level of the GFC AAC). All information as set out in Section 1.1.3 of the University's Academic Appeals Policy must be provided to the Student.
5. Students who believe that there has been a miscarriage of justice in the hearing of their Academic Standing appeal (other than an appeal of a grade) by the FAAC may appeal to the GFC AAC. The definition of miscarriage of justice can be found on the University Governance website at:

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<sup>7</sup> In the event the Academic Appeals Policy changes, the policy should be consulted in all circumstances to ensure compliance.

<https://www.ualberta.ca/governance/resources/policies-standards-and-codes-of-conduct/academic-appeals-policy.html>

## **6.6 Confidentiality of Hearing and Material**

1. Subject to existing University rules and/or regulations governing the confidentiality of information, all documents related to the appeal shall be made available to the Panel, both parties, and their respective Advisors.
2. Hearings are closed and all materials related to the hearings are confidential.
3. At the discretion of the Chair, incoming members of the FAAC may attend the hearing as observers. Observers play no active role in the hearing. The Faculty allows for their attendance as part of the training process for Chairs and FAAC members.

## **7.0 Service and Notice**

1. Notices, decisions and other appeal materials sent by the Faculty may be hand-delivered, sent by e-mail, courier, or by any method of delivery offered by Canada Post. In cases where Appellants have an official campus address, material may be sent to that address by campus mail. Alternatively, at the Appellant's request, the Appellant may pick up the material, decision or notice at an arranged place. If the Appellant fails to do so the Faculty will decide which method of delivery will be used.
2. When sent by Canada Post, campus mail or courier, notices, decisions and appeal materials shall be sent to the last address provided by the Appellant to the University.
3. Delivery is deemed to have been effected on the date of pick-up, receipt of hand or courier delivery, or five (5) Working Days after being sent by Canada Post to Canadian addresses, and seven (7) Working Days after being sent by Canada Post to International addresses, or two (2) Working Days after being sent by campus mail. In accordance with the *University's Electronic Communication Policy for Students*, electronic communications sent by the University will be deemed received the next University business day (Working Day) after the day the e-mail was sent.

## **8.0 Amendment of the Policy**

Changes to this policy proceed directly to the Dean's Executive Committee for approval. Normally, the Vice-Dean, Education, strikes a small *ad hoc* committee to review changes first, consulting as necessary with key stakeholders.

Policy approved by Faculty Council June 18, 2013
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