

## **Faculty of Arts Student Academic Appeals Committee Policy and Procedures**

### **Preamble**

Academic appeals in the Faculty of Arts are carried out according to the principles and regulations outlined in the Calendar of the University of Calgary (including Sections: A.20 Admission Refusal; I. Reappraisal of Grades and Non-Disciplinary Academic Appeals; K. Student Misconduct).

The present document specifies the mandate, composition, principles of decision-making, and procedures of the Faculty of Arts Student Academic Appeals Committee.

### **1. Mandate**

The Faculty of Arts Appeals Committee considers student appeals of academic rulings made at the Faculty level. Typical examples of rulings open to appeal include, but are not restricted to, rulings on academic misconduct and the requirement to withdraw from the Faculty of Arts for academic reasons.

The Committee will produce a report at the end of each year of operation (i.e. in August), including statistics on number and type of appeals evaluated and their outcomes. Trends and patterns over the longer term will be noted. The report will be forwarded to the Dean and to the Vice-Provost Student Experience.

The Committee is responsible for the maintenance of its terms of reference and will ensure that necessary modifications are made when university-level changes to appeals policy are implemented. It will meet a minimum of once a year as a Committee of the Whole, normally in early Fall, to fulfill its policy function and conduct other business.

### **2. Composition**

2.1. The Faculty Appeals Committee consists of one faculty member from each Department and School within the Faculty, and graduate and undergraduate student members.

2.1.1 One faculty member is chosen by and from each Department and School for a two-year term beginning July 1. To ensure continuity, terms are staggered so that half the members are replaced each year.

2.1.2 The Dean (or delegate) appoints the Chair and Associate Chair of the committee.

2.1.3 One undergraduate student is appointed for a one-year term by the Students' Union and must be a student registered in the Faculty of Arts. If the appointed student member is not available for a Hearing Panel or has a conflict with a particular Hearing, the Chair can appoint an alternate student representative. The alternate will normally be an elected student representative to the Students Union from the Faculty of Arts.

2.1.4 One graduate student is appointed for a one-year term by the Graduate Students' Association and must be a student registered in a graduate program offered within the Faculty of Arts. If the appointed student member is not available for a Hearing Panel or has a conflict with a particular Hearing, the Chair can appoint an alternate student representative. The alternate will normally be an elected student representative to the Students Union from the Faculty of Arts.

2.2. Constitution of Hearing Panel: A hearing panel acts in the name of the Committee to hear a particular case and is constituted by the Chair from among the members of the Committee.

2.2.1 The Hearing Panel consists of the Chair, three faculty members of the Committee, and the student representative, either undergraduate or graduate, as appropriate to the case. The Associate Chair replaces the Chair in the case of absence or conflict of interest.

2.2.2 The home department of the appellant and, in the case of a course-related appeal the department offering the course, will not be represented on the Hearing Panel.

2.2.3 Quorum is four members including the Chair and the student member.

### **3. Principles**

The principles enunciated in the University Calendar under Section I.1 “General Principles of Reappraisal of Grades and Non-Disciplinary Appeals” govern appeals at the Faculty level, including the principles that academic decisions are to be made as close as possible to the level on which academic competence resides and that all parties to an appeal are to be treated with fairness in procedures and decisions.

Fairness includes but is not limited to such practices as 1) all parties to an appeal having the opportunity to submit evidence and, when a hearing is held, the opportunity to be heard; 2) all parties to the appeal being made aware of the evidence considered; and 3) no individual sitting in judgement on an appeal at a higher level who has already been a party to the decision at a lower level. It is recognized that unfairness can arise from the misapplication of otherwise fair regulations.

### **4. Procedures**

#### **4.1 Letter of Appeal**

The first step for a student in launching an appeal is the submission of a letter of appeal to the Dean. This letter may be sent electronically and must be submitted no later than fifteen calendar days after receipt of the ruling being appealed.

The letter of appeal should be addressed to the Dean. It must state clearly:

- the nature of the grievance and the ruling being appealed;
- the grounds on which the appeal is based (e.g. procedural error or unfairness, bias, extenuating circumstances, new information);
- the remedy sought;
- the steps taken to resolve the grievance at a lower level, as per the Academic Regulations of the University of Calgary.

It is the responsibility of the appellant to provide a clear argument and evidence in the form of relevant documentation to support the claims made in the letter of appeal. As stated in the University’s principles of appeals, “Mere dissatisfaction with a decision is not sufficient grounds for the appeal of a grade or other academic decision.”

## **4.2 The Creation and Evaluation of an Appeal File**

Upon receipt of the letter of appeal and verification by the Dean's office that the appellant has taken all necessary steps to resolve the grievance at a lower level as per the Academic Regulations of the University of Calgary (see 4.1), an appeal file is provided to the Dean for initial evaluation.

The Dean may either (a) attempt to resolve the problem, provided that if the appellant is not satisfied with the proposed resolution, the matter will be referred to the Chair of the Appeals Committee; or (b) refer the matter directly to the Chair of the Appeals Committee.

In the case of an appeal of a ruling of academic misconduct, the Chair will arrange a hearing, in accordance with University policy.

In cases other than academic misconduct, the Chair has the authority to decide the appeal without a hearing. If the Chair decides the appeal without a hearing, the Chair will communicate the decision and the reasons for that decision in a letter to the student, as outlined below in Section 4.4.

## **4.3 Hearing of an Appeal**

**4.3.1 Notice of Hearing:** When a Hearing Panel is struck to hear an appeal, a notice of hearing will be sent electronically to all relevant parties. Unless otherwise agreed by all parties, the date of the hearing will be scheduled no fewer than seven calendar days after the date of the notice. The notice will list the members of the Hearing Panel hearing the appeal.

**4.3.2 Challenge to Composition of the Hearing Panel:** Either party to the appeal has the right to challenge for cause any member of the Hearing Panel. The validity of the challenge will be judged by the Chair. If the Chair is challenged, the challenge shall be judged by the Dean. Cause may include current teacher/student relationship, potential bias, or any other factor likely to prejudice a fair hearing. Challenges must be forwarded to the Chair or the Dean, as appropriate, at least four calendar days prior to the date of the scheduled hearing.

**4.3.3 Documentation:** The parties to the appeal will be invited by the Chair to provide any documentation they deem pertinent to the case. The Chair will solicit written statements from those responsible for the decision under appeal. Documents must be submitted to the Chair at least three calendar days before the scheduled hearing.

Members of the Hearing Panel may advise the Chair to seek additional information and/or documentation deemed necessary for the achievement of a fair resolution of the appeal. Such requests should be made as soon as possible after notice of the hearing has been given. The Chair may request additional information or documentation from any party at any point during the appeals process.

The Chair will make all parties to the appeal aware of all documents under consideration as soon as possible after they are submitted and at least one day before the hearing.

**4.3.4 Confidentiality:** The Chair will advise all parties that the contents of the appeal file and the hearing proceedings must be handled with the utmost confidentiality in all respects by all persons

involved in the appeal. Members of the Student Academic Appeals Committee will sign the “Faculty of Arts Student Academic Appeals Committee Confidentiality Undertaking.”

#### **4.3.5 Procedural Guidelines**

Normally the Hearing Panel will hear an appeal within thirty days of the formal acceptance of an appeal.

The Chair will invite the appellant, the Associate Dean responsible for the decision under appeal, and any other persons deemed relevant to the case to appear before the Hearing Panel. Those persons with the best knowledge of the circumstances will be invited to appear to assist the Hearing Panel in its determination of the case. All such invitations will be made through the Chair.

To protect the confidentiality of student records, appeal hearings are not open. The Chair, if special circumstances exist, may allow the appellant to be accompanied by another individual. The decision will be made by the Chair on presentation of justification for the assistance, including the name and occupation of the individual and the grounds on which the assistance is requested. This request must be made at least three working days prior to the scheduled hearing. A student may not bring a parent or guardian to assist in a hearing. As the hearing of appeals at the University of Calgary is an administrative process and not a judicial one, assistants may not include legal counsel. With advance notice, the University of Calgary Student Ombudsperson will be permitted to attend.

Decisions of the Committee shall be based solely on written documents provided to the Committee and on evidence presented at the hearing. If any party fails to appear, the hearing will proceed on the basis of the written submission of that party.

#### **4.3.6 Appeal Hearing Protocol**

Preliminary discussion: The Chair clarifies procedures and the Hearing Panel discusses any aspects of the case it deems necessary.

Hearing of appellant and other parties: The appellant, respondent, and any others scheduled to appear are called in. The procedure to be followed is explained to the appellant, who is subsequently invited to make a brief presentation of the grounds of the appeal and the remedy being sought. The other party to the appeal is invited to present the case for the ruling under appeal. Both parties are given the opportunity to comment on or ask questions through the Chair about the evidence provided in the file. The members ask questions of both parties until satisfied that they have all the information necessary to make a decision. Both parties are entitled to present a summary at the conclusion of the evidence. The parties to the appeal are asked to leave the room.

Deliberation: The Hearing Panel deliberates and arrives at a decision supported by a majority of the members. The Chair votes to break a tie.

The Chair retains notes to be used in case of later enquiries or an appeal to GFC. All other Hearing Panel members will destroy their notes and other material related to the file in their possession. The appeal file is retained according to University (FOIP) regulations.

#### **4.4 Communication of Decision**

The Chair communicates the decision of the Hearing Panel in writing to the appellant without undue delay. The letter to the appellant should contain a full statement of the reasoning leading to the decision.

The letter informing the appellant of the decision is copied to the Dean and to the Associate Dean responsible for the initial ruling and as *appropriate, the Registrar, the instructor, and the Head of Department/Director of School/Director of Program.*”

If the appeal is denied, the letter must include information about the right of the student to appeal to GFC.

If the Hearing Panel wishes to suggest actions that might be taken to improve Faculty regulations or procedures to avoid recurrence of problem situations, such recommendations will be transmitted to the Dean in a separate memorandum written by the Chair.