



University of Alberta

ACADEMIC APPEALS POLICY

1. GFC Academic Appeals Policy (University Governance)

The Post-Secondary Learning Act gives General Faculties Council (GFC) responsibility, subject to the authority of the Board of Governors, over "academic affairs" (section 26(1)) and over Student appeals (section 26(1)(h)) and otherwise. GFC may also legislate "conditions or restrictions" on the powers of Faculty Councils (section 29(1)). GFC has thus established the General Faculties Council Academic Appeals Committee ("GFC AAC"), as set out below. (EXEC 12 FEB 2018)

The complete wording of the section(s) of the *Post-Secondary Learning Act*, as referred to above, and any other related sections, should be referred to in any instance where formal jurisdiction or delegation needs to be determined.

Informal Faculty Level of Appeal/Petition

A Student may submit an informal appeal/petition to the Dean or delegate. Regardless of whether or not a Student initiates an appeal, however, the Dean or delegate may issue any remedy, including a remedy that waives the Faculty's academic standing regulations as approved by GFC and published in the University Calendar. This informal process is meant to precede and to avoid formal appeal, but does not preclude formal appeal to the Faculty Council or Faculty academic appeals committee. (GFC 23 FEB 2004)

NOTE: Acronyms are used throughout the policy; please refer to "Definitions" at the end of this policy.

1.1 Authority

1.1.1 GFC Procedures for Resolving Academic Grievances within the Faculties

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.

When Faculties notify Students of adverse academic standing decisions, including such matters as continuation in a program, graduation and the requirement for a Student to withdraw, Faculties are required to tell Students there is a right of appeal within the Faculty. The Faculty shall provide the Student with information regarding the appeal deadline, the name of the delegate or body to whom their appeal should be addressed, and information as to where the appeal must be received.

1.1.2 Appeals to Faculty Academic Appeals Committees

1. Students have the right to appeal an Academic Standing decision of the Dean to the Faculty Academic Appeals Committee ("FAAC").
2. Appeals to an FAAC must meet the timeframes and stipulations that each Faculty has set out in its academic appeal regulations.
3. Each Faculty may establish additional rules and procedures for the actual hearing of FAAC appeals and shall provide information in the Faculty section of the Calendar indicating where Students can obtain a copy of the Faculty's appeal procedures.
4. In the event that a Faculty fails to publish in the Calendar where Students can obtain a copy of the appeal procedures, or in the event that a Faculty has failed or neglected to establish such regulations or procedures, General Faculties Council shall publish regulations and procedures for that Faculty pursuant to Section 26(1)(a), and otherwise, of the *Post-Secondary Learning Act*.

1.1.3 Procedures for the Dean of the Faculty

1. The Dean is responsible for informing the Student, in writing, of the outcome of the FAAC Academic Standing appeal.
2. In the event of an unsuccessful appeal, the Dean is further responsible for informing the Student:
 - a. that there is a right of formal appeal to the GFC AAC;
 - b. of the name of and contact information for the Appeals Coordinator;
 - c. that any formal appeal must be lodged with the Appeals Coordinator;
 - d. that the deadline for lodging such a formal appeal is 15 working days as provided in Section 1.2.1;
 - e. of the Student's right to the assistance of an Advisor (with contact information provided for the Office of the Student Ombuds).(EXEC 12 FEB 2018)

1.2 Procedures for Appeal of Decisions to the GFC Academic Appeals Committee (GFC AAC)

1. Students have a right of appeal to the GFC AAC from an adverse Faculty decision affecting their Academic Standing.
2. The deadline for lodging such a formal appeal is fifteen (15) Working Days from the Student's deemed receipt of the Faculty decision (see Service and Notice). This deadline must be met notwithstanding any pursuit by the Student of any available informal appeal and/or petition process to the Dean as referred to in Section 1 of the Academic Appeals Policy, *Informal Faculty Level of Appeal/Petition*.
3. An appeal may be made only on the basis that there has been a Miscarriage of Justice in the case of the Student's appeal at the Faculty level.
4. All known grounds must be listed and explained in the appeal. The grounds to establish a Miscarriage of Justice for an appeal shall include, but not be restricted to, the following:
 - a. procedural errors on the part of a Faculty provided that a defect in procedures shall not warrant the quashing of the decision being appealed, unless the defect complained of can reasonably be said to have deprived the student of a fair hearing;
 - b. failure of a Faculty to consider all factors relevant to the decision being appealed;
 - c. bias or discrimination against the Student on the part of a Faculty.

1.2.1 Initiation of an Appeal

1. Appeals to the GFC AAC must:
 - a. be in writing;
 - b. be signed by the Student;
 - c. be received by the Appeals Coordinator within fifteen (15) Working Days of the deemed receipt of the written Faculty decision;
 - d. set forth the decision being appealed;
 - e. provide the name of the person or body who made the decision;

- f. state the full grounds of appeal;
- g. state the nature of the Miscarriage of Justice (e.g. "The Miscarriage of Justice in my case is ...")
- h. state the relief requested.

1.3 General Faculties Council (GFC) Resolution Delegating Authority to the GFC Academic Appeals Committee

General Faculties Council has delegated to the General Faculties Council Academic Appeals Committee (GFC AAC) the power and authority to perform those functions and exercise those powers as provided for in these regulations.

1.3.1 Board of Governors Resolution Delegating Authority to the GFC Academic Appeals Committee

WHEREAS a question has arisen as to the duty of the Board on receipt of a petition from a Student asking the Board to intervene in or to sit in appeal on or to review an academic decision made by General Faculties Council (which for the purposes hereof includes any person or body over whom General Faculties Council has jurisdiction in academic matters):

As long as the General Faculties Council Academic Appeals Committee continues to exercise jurisdiction to hear and determine Student appeals from Faculty decisions affecting academic standing at the University, the Board shall refuse to interfere in or to sit in appeal on or to review the decision of General Faculties Council Academic Appeals Committee thereon PROVIDED that nothing herein shall preclude the Board from interfering in or sitting in appeal on or reviewing any decision of General Faculties Council where the reason for such interference, appeal or review is in substance something other than an academic judgment or an academic discretion.

1.4 GFC Academic Appeals Committee (GFC AAC)

1.4.1 The Jurisdiction of the Committee

1. The Committee shall hear and determine appeals from Appellants against decisions of Faculties affecting Academic Standing at the University.
2. The Committee shall have no jurisdiction to hear an appeal until the Appellant has exhausted all formal appeal processes available within the Faculty.
3. The Committee shall have no jurisdiction to hear an appeal where:
 - a. the Appellant was granted relief by the Faculty with written conditions and specified consequences should the conditions not be met and;
 - b. the Appellant was both informed of 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.
4. The Committee shall have no jurisdiction to hear an appeal with respect to:
 - a. marks or grades awarded;
 - b. an examination decision of the Faculty of Graduate Studies and Research;
 - c. a decision to refuse admission or readmission to a Faculty;
 - d. a decision relating to the granting of credit for courses taken or to be taken outside the University of Alberta;
 - e. a decision on Academic Standing arising from a discipline matter;

- f. a decision on Academic Standing arising from a Practicum Intervention, as defined and set out in the Practicum Intervention Policy;
 - g. other matters deemed by the Committee to be outside its jurisdiction.
5. In the case that the Appellant produces new information prior to the GFC AAC hearing that was not available to the Faculty Appeals Committee, the Faculty can request that this information be heard first by the Faculty Appeals Committee. The request by the Faculty must be made prior to the start of the GFC AAC hearing.
 6. In the case that new information is introduced during a hearing, it will be at the discretion of the GFC AAC to decide, after hearing submissions from both parties, whether a new Faculty hearing should be held or whether the GFC AAC hearing should proceed.
 7. Notwithstanding that an Appellant may satisfy the Committee that the Appellant's case falls within the grounds of appeal, the Committee shall uphold the appeal only if it is convinced that a Miscarriage of Justice has occurred.
 8. The Committee shall hear an appeal from the Appellant against the same decision only once.
 9.
 - a. When an Appellant appeals twice on what is considered by the Appeals Coordinator to be the same decision, the question of jurisdiction shall be decided by as many members of the original Panel who are still Panel Members or who are still Student or Staff members at the University of Alberta. Such persons shall be considered by GFC as members for this purpose, and for any subsequent hearing. Other Panel Members may be added to this Panel in order to constitute a full Panel (see Section 1.4.3 – *Composition of the Committee*). The normal quorum regulation shall apply;
 - b. If this Panel finds that the Appellant is appealing the same decision twice, there shall be no re-hearing. The decision of the original committee shall stand and shall be final and binding;
 - c. If this Panel finds that the Appellant is appealing a new decision, the Appellant may choose to have the case heard either by this Panel or by a new Panel.
 10. In some instances, the Appellant may question whether or not the Faculty has carried out the relief granted. These concerns will be addressed collectively by the Dean, the GFC AAC Chair and the Appellant. If the Appellant's question is not addressed to the satisfaction of the Appellant, the following procedure will be adopted:
 - a. The question shall be decided by as many members of the original Panel who are still Panel Members or who are still Student or Staff members at the University of Alberta. Such persons shall be considered by GFC as members for this purpose. Other Panel Members may be added to this Panel in order to constitute a full Panel (see Section 1.4.3 – *Composition of the Committee*). The normal quorum regulation shall apply;
 - b. This Panel's decision on the matter shall be final and binding.

1.4.2 Powers of the Committee

1. The decision of the Committee shall be either:
 - a. to uphold (grant) the Appellant's appeal and award any remedy that is not contrary to published Faculty's regulations;
 - b. to deny the appeal.
2. The decision of the Committee shall be final and binding.

1.4.3 Composition of the Committee

The Committee shall consist of three members elected by GFC:

1. two Academic Staff Members from Category A* with a service component in their contract, or Faculty Members on post-retirement contracts; with one Staff member to serve as Chair of a particular hearing, selected from the Panel of Chairs described below, and one Staff member selected from the Panel of Staff members described below; (EXEC 07 MAR 2005) (EXEC 05 DEC 2022)

***See UAPPOL Recruitment Policy (Appendix A) Definition and Categories of Academic Staff, Postdoctoral Fellows, Academic Colleagues and Excluded Academic Staff**

2. one full-time undergraduate Student or one full-time graduate Student selected from the Panel of Students described below. If the Appellant is an undergraduate Student, an undergraduate Student shall serve on the Committee. If the Appellant is a graduate Student, a graduate Student shall serve on the Committee.

All Panel Members described below shall be elected by GFC. In selecting Panel Members, GFC will attempt to keep the membership of the GFC AAC as broadly representative as possible of all Faculties given the available pool of candidates.

Panel of Chairs:

GFC shall elect up to six Academic staff Members from Category A with a service component in their contract, or faculty members on post-retirement contracts. These Staff members will serve for staggered terms of office and will normally be drawn from among present or past members of the GFC AAC. To the extent possible, each Staff member shall come from a different Faculty.

Panel of Staff Members:

GFC shall elect up to four Academic Staff members from Category A with a service component in their contract, or faculty members on post-retirement contracts. To the extent possible, Staff members shall come from different Faculties.

Panel of Students:

GFC shall elect up to 4 full-time undergraduate Students and up to 4 full-time graduate Students. To the extent possible, the four undergraduate Students shall come from different Faculties. To the extent possible, the four graduate Students shall come from different Faculties.

1.4.4 Term of Office

1. The Panel of Chairs and the Panel of Staff members shall be appointed for such terms as General Faculties Council shall determine.
2. The Panel of Students shall be appointed for terms of up to two years and are eligible for re-election.
3. Any Panel Member who has been called to serve on the GFC AAC for a particular case may complete their service on that case even if their term expires or, in the case of Students, a Student graduates or changes status from undergraduate to graduate or graduate to undergraduate status.

1.4.5 Constituting the Committee

1. When constituting the Panel to hear an appeal, no more than two members may come from the same Faculty.

2. No GFC AAC member will be called upon to hear an appeal if the member is from the same Faculty as the Appellant or Respondent.
3. If all Staff members from the Panel of Staff Members are unable to serve, the Appeals Coordinator may complete a Panel by selecting, in rotation, first from the GFC AAC Panel of Chairs, and then from the UAB Panel of Chairs.
4. If all Student members from the Panel of Students are unable to serve, the Appeals Coordinator may complete a particular Panel by selecting, in rotation, either one full-time undergraduate Student or one full-time graduate Student, from the UAB Panel of Students. (See Section 1.4.3.2)
5. For the purpose of selection and service on the GFC AAC, graduate Students are considered to be from the Faculty where they receive supervision. Students who are in any joint graduate/undergraduate degree program (eg, the joint MBA/LLB program) are considered to be graduate Students for the purpose of service and selection on the GFC AAC. Students in any joint degree program will not be called upon to hear appeals which arise from any of the Faculties involved in the joint program.
6. For each appeal, every attempt will be made to have a reserve member from each membership category, including the category of Chair, prepared in advance to attend the hearing.
(This shall be interpreted to mean that a member who is unable to attend may be replaced by a member from the same category as the absent member.)
7. The Appeals Coordinator may select, in rotation, for each appeal hearing, a reserve member from the GFC AAC Panel of Chairs who may be used to replace either the Chair or the Staff member. Should the list be exhausted, a Staff member from the UAB Panel of Chairs may be selected.
8. GFC AAC members will be asked in advance of a hearing to declare any possible bias. If a GFC AAC member declares such a bias, a member from the same category will be selected in rotation from the membership list, which both parties were given an opportunity to challenge.
9. No GFC AAC member will be called upon to hear an appeal if the Provost and Vice-President (Academic) (or delegate) is aware of any reason why a particular member is unable to effectively serve on a hearing panel.

1.5. Appeal Procedures

1.5.1 Procedures Prior to a Hearing

1. Upon receipt of an appeal the Appeals Coordinator shall:
 - a. select a Chair for the GFC AAC hearing, provide the name of the proposed 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 the Appellant and Respondent with a list of On-Campus Sources of Assistance;
 - d. provide the Appellant and the Respondent with the GFC AAC/UAB membership lists;
 - e. advise the Respondent that a response is required within ten (10) Working Days;
 - f. advise the Respondent that the response must include the following minimum information:
 - i. all documents available at any Faculty level hearings related to the appeal (normally the hearing by the Faculty Academic Appeals Committee);

- ii. response to the Appellant's grounds for appeal;
 - iii. comments on the alleged Miscarriage of Justice and on the relief requested;
 - iv. the academic standing regulations from the Calendar governing the Appellant's program (normally the current Calendar regulations);
 - v. the regulations that governed the Appellant's Faculty appeal hearing, including any hearing procedures;
 - vi. in cases where written reasons were provided by the Faculty appeals committee, a copy of the reasons shall be provided;
 - vii. a copy of the Appellant's transcript.
2. The Appellant and Respondent will have five (5) Working Days after receipt of the GFC AAC and UAB 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. In the event that a procedural issue is raised before the hearing, the Appeals Coordinator will refer the matter to the Chair of the GFC AAC. The Chair will make a decision and before doing so may consult with the Appeals Coordinator and may consult with members of the Committee. The decision of the Chair shall be final and binding.
 4. Either the Appellant or the Respondent may request in writing an extension of any time limits. The GFC AAC Chair may extend any of the time limits where the GFC AAC Chair is of the opinion that the Appellant or Respondent has reasonable grounds for requesting such extension. The decision of the GFC AAC Chair may be made without a hearing and shall be final and binding.
 5. The Appellant and Respondent must notify the Appeals Coordinator immediately upon selecting an Advisor for purposes of representation at the GFC AAC hearing.
 6. If either the Appellant or Respondent plan to call witnesses, then that party must provide a witness list to the Appeals Coordinator at least five (5) Working Days prior to the hearing date. The Appeals Coordinator shall ensure that as witnesses become known, the other party and the GFC AAC are informed as to the identity of the witnesses. Each party is responsible for securing the attendance of their witnesses at the hearing.

1.5.2 The Hearing Date

1. Appeals are intended to proceed in a timely manner and the hearing date will normally be set to occur within thirty (30) Working Days of the receipt of the appeal. Both parties shall be provided with reasonable notice of the hearing date.
2. 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 Calendar* students who owe money to the University will not have access to registration. (EXEC 12 FEB 2018)
3. Appeal cases which involve temporary registration, may be given priority by the GFC AAC.
4. The Appeals Coordinator shall consult with the Chair, who shall set a time and place for the hearing of the appeal.

5. Reasonable delays are allowed, but should either party feel that an unreasonable time has passed without the date of the hearing being set, either party may appeal to the GFC AAC Chair, through the Appeals Coordinator, for a ruling as to whether the delay is reasonable. If the GFC AAC Chair decides the delay is unreasonably long, then the GFC AAC Chair shall, within ten (10) Working Days of such a decision, set the appeal hearing date. The appeal hearing must occur within twenty (20) Working Days of the Chair's decision. The decision of the GFC AAC Chair will be made without a hearing and is final and binding.
6. The Appeals Coordinator shall constitute the GFC AAC and provide its members, the parties and their respective Advisors with:
 - a. the date, time and place of the Appeal Hearing;
 - b. the appeal and any documentation from the Respondent.

1.5.3 Service and Notice

1. Notices, decisions and other appeal materials sent by the Appeals Coordinator may be hand-delivered, sent by courier, by e-mail or sent 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. In all cases, the Appeals Coordinator 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 and Applicants*, (*University Calendar*), electronic communications sent by the University will be deemed received the next University business day after the day the e-mail was sent. (EXEC 12 FEB 2018)
4. Notices, decisions and other appeal materials sent by the Appeals Coordinator to a Faculty shall normally be sent by campus mail. Any of the other methods of deliveries noted in this part may also be used.
5. Deemed receipt or deemed delivery by a Student of a Faculty decision, if not already covered by a Faculty's academic appeals regulations, is governed by this section.

1.5.4 Procedures at the Hearing

1. The quorum of the Committee shall be three members: the Chair, one Staff member and one Student member.
2. Decisions of the Committee shall be by majority vote.
3. Prior to hearing evidence the Committee shall:
 - a. determine that the appeal falls within its jurisdiction (See Appendix - ***Procedural Guidelines For GFC AAC Chairs***);
 - b. take such steps as are necessary to familiarize itself thoroughly with the relevant Faculty regulations which shall be provided by the Faculty.

4. If the Appellant or Respondent does not appear on the date set for the hearing of the appeal, the GFC AAC 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 Committee may call and question witnesses and may call evidence.
6. The Appellant and Respondent may each be accompanied by one Advisor.

1.5.5 Suggested Hearing Procedures

1. The GFC AAC 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 it may vary:
 - a. The Appeals Coordinator shall present the appeal to the GFC AAC and introduce the parties.
 - b. The Chair shall explain the rules of decorum, review the procedures to be followed, and confirm the jurisdiction of the GFC AAC. 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 the 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 when 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, 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. (EXEC 12 FEB 2018)
 - 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 when 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 witness, 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 the Appellant (and/or Advisor) 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 GFC AAC's deliberation; the Appellant and Respondent (and Advisors) shall leave the hearing.
- q. The GFC AAC shall reach a decision by majority vote.

1.5.6 Communicating the Decision of the GFC AAC

1. The Chair of the GFC AAC, where practical, will communicate the decision to the Appeals Coordinator. The Appeals Coordinator, as soon as possible, will relay the decision to the Appellant (and Advisor) and the Respondent (and Advisor).
2. The Chair shall normally submit the written decision of the GFC AAC within ten (10) Working Days of the decision being reached. The written decision shall be signed by the Chair. The Appeals Coordinator shall then send a copy of the decision to the Appellant and the Respondent, their respective Advisors, the GFC AAC panel members, the Panel of Chairs and the GFC AAC delegate who serves on the Academic Standards Committee (ASC).

1.5.7 Confidentiality of Hearing and Material

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

1.5.8 Access to Appellant Records by the Provost

1. The Provost or delegate shall:
 - a. **Have access to the Appellant's record** held by a Faculty, Department or Unit, the Office of the Registrar or University Governance in an instance where the Provost has invoked, or is considering invoking, the Protocol For Urgent Cases of Disruptive, Threatening or Violent Conduct (Section 91);
 - b. **Intervene in a case** concerning Academic Standing in a case being heard, or about to be heard by the GFC AAC in an instance where the Provost has invoked, or is considering invoking, the Protocol For Urgent Cases of Disruptive, Threatening or Violent Conduct (Section 91).

1.5.9 Amendment to the Academic Appeals Policy

Changes to this policy proceed directly to the GFC Executive Committee for approval. Normally, the Appeals Coordinator strikes a small *ad hoc* committee to review changes first.

1.6 Report to General Faculties Council

The GFC Academic Appeals Committee (GFC AAC) reports annually to GFC, providing a statistical summary of cases and their disposition. The statistical information will be presented in such a way that the confidentiality of individual cases will not be breached. The Appeals Coordinator may also raise with the Executive Committee any policy or procedural issues, and may ask to do so *in camera*.

For reporting requirements see GFC SCPC Terms of Reference at:

<https://www.ualberta.ca/governance/member-zone/gfc-standing-committees>

(EXEC 12 FEB 2018)

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 Academic Standards Committee (ASC) and as published in the 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. (EXEC 12 FEB 2018)
2. "Appellant" means a Student appealing a decision of a Faculty affecting Academic Standing at the University.
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, Student Legal Services, legal counsel or another Advisor of the Appellant's or Respondent's choice. (EXEC 12 FEB 2018)
4. "Chair" means the Chair of the General Faculties Council Academic Appeals Committee selected from the Panel of Chairs.
5. "Committee" or "GFC AAC" means the General Faculties Council Academic Appeals Committee.

Note: The Committee is a standing committee of General Faculties Council established by General Faculties Council on January 29, 1973 pursuant to Section 26(1), and Section 26(1)(h) of the *Post-Secondary Learning Act*.
6. "Dean" means the Dean of the Faculty whose decision is being appealed.
7. "Executive Committee" means the Executive Committee of General Faculties Council.
8. "Faculty" means the Faculty whose decision is being appealed and includes the Dean or an administrative officer of the Faculty and the Academic Appeals Committee of such Faculty when that person or body has exercised or is exercising any power of the Faculty with respect to academic standing.

9. "Miscarriage of Justice" means failure on the part of a Faculty to make a decision with respect to academic standing in a fair and equitable manner in the light of the procedures, standards and circumstances applicable in the case of an Appellant.
10. "Panel" means the members constituted from the Panel of Chairs, Panel of Staff Members and Panel of Students to hear an appeal as set out in these regulations.
11. "Panel Members" means the Panel of Chairs, Panel of Staff Members and the Panel of Students.
12. "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.
13. "Student" means an undergraduate Student or a graduate Student, as defined in the *University Calendar*. (EXEC 12 FEB 2018)
14. "Respondent" means a person designated by the Dean to represent the Faculty.
15. "UAB" means University Appeal Board.
16. "Working Day" or "Business Day" for the purposes of these regulations 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.

Appendix - Procedural Guidelines for GFC AAC Chairs

1. Discussion by GFC AAC members of procedures only (NOT the merits and substance of the case). This discussion should include, but not be limited to:
 - a. A review of GFC AAC procedures; (EXEC 12 FEB 2018)
 - b. A check to see if there are questions about jurisdiction (see also #2 #3 and #4 below);
 - c. A discussion of any procedural issues, if necessary; and
 - d. A discussion of the timing for the hearing, including the scheduling of any possible second, or subsequent, session.
2. In the event there is a substantive question as to the jurisdiction of the GFC AAC, or if either party challenges the jurisdiction of the GFC AAC, then the Committee will hear substantive arguments concerning jurisdictional issues from the Appellant and Respondent. The Appellant and Respondent will withdraw once they have completed their presentations concerning jurisdictional issues. The Committee will deliberate and reach a decision.
3. If the Committee determines that the case falls outside its jurisdiction, the decision shall be communicated to the Appeals Coordinator and the parties.
 - a. The Chair shall provide a brief written summary of the decision regarding the issue of jurisdiction;
 - b. The written decision will normally be provided by the Chair to the Appeals Coordinator within ten (10) Working Days of the hearing;
 - c. The Appeals Coordinator will forward copies of the decision in accordance with Section 1.5.6.2.

4. If the Committee determines it has jurisdiction or reserves its decision on the question of jurisdiction pending hearing the merits and substance of the case, the Chair shall communicate the Committee's decision.
 - a. The Committee shall hear the merits and substance of the case with Appellant and Respondent present (see Section 1.5.5 *Suggested Hearing Procedures*).
5. The Chair may seek the assistance of any member of the Committee in the preparation of the written reasons. The final decision will be signed by the Chair, on behalf of, and with the full authority of, the Committee.

**SAMPLE GFC ACADEMIC APPEALS COMMITTEE
HEARING SUMMARY**

1. Committee Members in Attendance

2. Hearing Date _____
 Start Time _____
 Adjournment _____
3. Appellant _____
 Advisor _____
4. Respondent _____
 Advisor _____
5. Witnesses _____
6. Decision Being Appealed
7. Nature of the Alleged Miscarriage of Justice
8. Facts Agreed Upon by Both Parties
 Facts in Dispute
9. Summary of All Issues Raised by Both Parties and as Identified by the GFC AAC
10. Committee Decision
11. Remedy (If Applicable)
12. Summary of Reasons for the Committee's Decision

Date _____ Chair _____