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**ANNUAL REPORT OF APPEALS AND COMPLIANCE OFFICER****2015 – 2016**

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Scope

This report covers the period of July 1, 2015 to June 30, 2016. Some statistics for previous years are also included for comparison.

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

Role of the Appeals Coordinator

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

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

University Level Appeal Process

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

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

The UAB generally hears appeals from students charged under the COSB or COAB who disagree with the discipline decisions. UAB decisions are final and binding, within the university, subject to judicial review. Under the COSB the UAB has the broad authority to determine whether an offence was committed and to confirm, vary or quash sanctions imposed.

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

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

A fourth body, the Three Person Panel under section 30.5.2(8) of the COSB, also existed to address appeals of decisions to not proceed with complaints. The COSB was revised on October 1, 2015 to eliminate the Three Person Panel and set up a new system of appeal for such decisions. The Three Person Panel heard no appeals during the period of this report.

### Principles of the Appeal Process

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

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

The formal steps of our appeals process recognize the impact and finality of these decisions and ensure the opportunity for parties to an appeal to make their best cases and be heard. Our appeals process is not a court process, but has been designed to allow for students and university decision-makers to be able to be heard by an objective panel coming from the university community. The system is flexible in that it is able to deal with a wide variety of appeals and circumstances (from students and university staff representing themselves or being helped by an advisor of their choosing) through consistently applying basic principles of administrative fairness. At its core, our appeals

system involves the parties fully making their cases in writing and knowing the case of the other side before an appeal hearing, then appearing at a hearing where they are able to present and question their arguments and information before an objective appeal panel. (The UAB process also allows for the option of a paper-only or documentary review hearing, rather than an in-person hearing, when only the severity of sanction, and not the offence, is being appealed.) The appeal panel then considers and weighs all of the submissions of the parties and comes to a decision, which it fully explains to the parties in writing.

### Current Trends

Looking at the attached statistics, after a significant increase over the past recent years in the number of appeals to the university level appeal bodies, this year saw a decrease in the number of appeals. (The current year-to-date suggests we may again see an increase in the next reporting period.) Compared to the previous year, 2015-2016 saw a similar number of overall decisions made by Deans, with the majority of those decisions concerning the academic offences of plagiarism and cheating. Although not statistically tracked, a significant number of appeals are received from international students.

2015-2016 also saw an increase in the number, complexity and time spent addressing issues (including dealing with parties' legal counsel) of appeals to the UAB of non-academic offences under the COSB.

Appeal panels have continued to address complex issues during the appeal process. This includes procedural requests and issues raised by the parties to appeals both before and during hearings. When such issues are raised, the appeal panel chair (and sometimes the full appeal panel) must decide how to address the issue, consider the arguments and circumstances, and then come to a decision to fairly address the issue. The chair (and sometimes full panel) does this through consultation with the Appeals Coordinator, obtaining legal advice when necessary. Again, all such decisions are made consistently with the relevant appeals policy and principles of administrative fairness, with the aim of providing both parties a fair opportunity to be heard. Appeals involving legal counsel representing one or both parties are often of a complex nature, and often take more time throughout the process. Depending on the number and type of procedural issues raised or requests made by the parties during an appeal, the timeframe for completion of appeals varies. The majority of appeals are completed within one to two months, from the time the appeal is received to an appeal decision being made.

I have continued to promote an understanding of the steps within the appeal process, and the principles upon which they are based, by being available as a resource for parties and panels throughout the course of individual appeals, as well as by meeting with a variety of student and staff groups within our university community.

### Appeal Panel Membership

All of the university level appeal panels are made up of volunteers. While the exact makeup of a panel depends on the applicable appeal policy, generally the panels are a combination of undergraduate/graduate students and academic staff selected from the university's appeal panel membership lists. (Membership is determined by an application process and ultimately by approval of applicants by GFC.) Members serve on approximately six appeal

panels within a calendar year, but this number varies depending on the number of appeals received and the faculties involved. Appeal panel members come from the greatest variety of faculties possible. For objectivity, no appeal panel member may sit on an appeal involving a party from their faculty. Appeal hearings are scheduled throughout the academic year, including summer, mostly in evenings around academic schedules. Student panel members usually serve for two year terms, while academic staff panel members usually serve for three year terms (with the possibility of serving additional terms).

In addition to their understanding of the university environment from their experience as students (both undergraduate and graduate) and academic staff, our panel members are provided ongoing training in understanding the principles of administrative fairness within which their tribunals operate. This helps to ensure that, as discussed above, the appeal process is a fair one, with both parties to an appeal being given the opportunity to fully make their cases to an objective decision-maker.

The service of appeal panel members is a significant commitment, including considering and addressing procedural issues arising before and during hearings, conducting hearings, deliberating and drafting written reasons for decisions. All of our panel members recognize the need to objectively hear submissions from parties to an appeal, analyze and weigh evidence, then come to reasonable decisions based on that evidence. I try to ensure that appeal panels have all the needed resources to perform this role. I thank all of the appeal panel members for serving our university community, often addressing difficult issues involving student careers, faculty standards and the integrity and values of the university. Our appeal panels uphold the values of fair decision-making, of a fair appeal process and of the university as a whole, for both students and faculty.



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Michael Peterson

Appeals and Compliance Officer

University Governance, University of Alberta

November 16, 2016

Attachments: Statistics for Discipline Decisions and the University Level Appeal Process

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

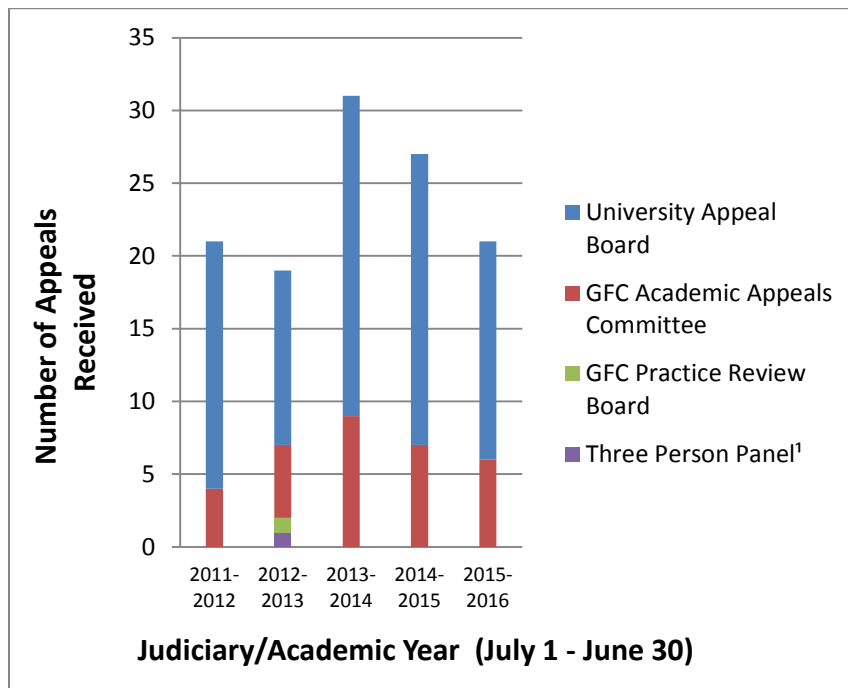
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Figure 1

**Number of Appeals Received by University Governance**

Judiciary/Academic Year (July 1 - June 30)	2011- 2012	2012- 2013	2013- 2014	2014- 2015	2015- 2016
University Appeal Board	17	12	22	20	15
GFC Academic Appeals Committee	4	5	9	7	6
GFC Practice Review Board	0	1	0	0	0
Three Person Panel <sup>1</sup>	0	1	0	0	0
<b>TOTAL NUMBER OF APPEALS</b>	<b>21</b>	<b>19</b>	<b>31</b>	<b>27</b>	<b>21</b>



<sup>1</sup>Three Person Panel eliminated by COSB, effective October 1, 2015

Notes:

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

Figure 2

**UAB Disposition of Appeals  
July 1, 2015 to June 30, 2016**

Appeal Upheld	10
Appeal Denied	1
Appeal in Progress (Undetermined)	4
Appeal Withdrawn	0
<b>Total Appeal Cases</b>	<b>15</b>

Sanction Increased	1
Sanction Decreased	7
Sanction Timing Varied	1

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

Issues of Appeal	Appeal Upheld	Appeal Denied
Offence(s)	2	4
Severity of Sanction(s)	8	1

Figure 3

**GFC AAC Disposition of Appeals  
July 1, 2015 to June 30, 2016**

Appeal Upheld	0
Appeal Denied	4
Returned to Faculty	1
Taken Back by Faculty	1
Appeal Withdrawn	0
Appeal in Progress	0
Total Appeals	6

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

Figure 4

**GFC PRB Disposition of Appeals  
July 1, 2015 to June 30, 2016**

Appeal Upheld	0
Appeal Denied	0
Total Appeals	0



Figure 5

**Category of Sanction by Decision Maker Under COSB  
July 1, 2015 to June 30, 2016**

<b>Sanction Type Description</b>	<b>Count</b>	<b>Final Decision By</b>
Less Than Suspension or Expulsion	381	Dean
Less Than Suspension or Expulsion	24	Discipline Officer
Less Than Suspension or Expulsion	6	UAB
Recommendation for Suspension or Expulsion	1	Dean
Suspension or Expulsion	23	Discipline Officer
Suspension or Expulsion	3	UAB
UAB dismissed charge	2	UAB
UAB appeal in progress - undetermined	4	UAB

Figure 6

**Code of Student Behaviour Discipline Decisions  
July 1, 2015 to June 30, 2016**

<b>Charge/Offence Description</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>GS N/A</b>	<b>N/A</b>	<b>N/A Applicant</b>
Cheating	61	50	30	15	2	9	8	
Misrepresentation of Facts	5	2	1	4			2	
Participation in an Offence	15	4	2				1	
Plagiarism	88	62	22	26	2	29	21	
Inappropriate Behaviour in Professional Programs	1	1		1				
Misuse of Confidential Materials		1				2		
Research and Scholarship Misconduct						2		
Bribery				1				
Damage to Property	1	1		1				
Disruption	1		1					
Dissemination of Malicious Material				2				
Retaliation		1						
Unauthorized Use of Facilities, Equipment, Materials, Services or Resources				1		1		
Violations of Safety or Dignity	12	4	2	5	1	2		

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

Figure 7

**Code of Applicant Behaviour Discipline Decisions  
July 1, 2015 to June 30, 2016**

<b>Charge Description</b>	<b>COAB Applicants</b>
Misrepresentation of Facts	1

Figure 8

**Cases Reviewed by Deans, University of Alberta Protective Services,  
Discipline Officers, Registrar, and the UAB Under the COSB  
July 1, 2015 – June 30, 2016**

Decision Maker	Forwarded By	Count
Dean	Not Applicable	382
Discipline Officer	Dean	19
	UAPS	28
UAB	Not Applicable	11

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

Figure 9

**Cases Reviewed Under the Code of Applicant Behaviour  
July 1, 2015 – June 30, 2016**

Decision Maker	Forwarded By	Count
Registrar	Not Applicable	1

Figure 10

**Charge Count by Category of Sanction and Decision Maker Under COSB  
July 1, 2015 – June 30, 2016**

Decision Maker	Less Than Suspension or Expulsion	Recommendation for Suspension or Expulsion	Suspension or Expulsion	UAB dismissed charge	UAB Appeal in progress - undetermined
Agricultural, Life and Environmental Sciences	11				
Arts	127		10	2	
Augustana	7		2		
Business	31	1	7		
Education	9				
Engineering	26		1		
Extension	38		2		
Faculté Saint-Jean	2				
Graduate Studies and Research	9		1		
Medicine and Dentistry	6				
Native Studies	1				
Nursing	19				
Physical Education and Recreation	2				
Science	146				
UAPS	38		8		4

Figure 11

**Case Count by Category of Sanction and Decision Maker Under COSB  
July 1, 2015 – June 30, 2016**

Decision Maker	Less Than Suspension or Expulsion	Recommendation for Suspension or Expulsion	Suspension or Expulsion	UAB dismissed charge	UAB Appeal in progress - undetermined
Agricultural, Life and Environmental Sciences	11				
Arts	116		8	2	
Augustana	7		2		
Business	31	1	6		
Education	8				
Engineering	22		1		
Extension	36		2		
Faculté Saint-Jean	2				
Graduate Studies and Research	8		1		
Medicine and Dentistry	5				
Native Studies	1				
Nursing	19				
Physical Education and Recreation	2				
Science	120				
UAPS	23		6		4

Figure 12

**Charge Count by Category of Sanction and Decision Maker Under COAB  
July 1, 2015 – June 30, 2016**

Decision Maker	COAB - Refuse Application up to 5 years
Registrar's Office	1

Figure 13

**Case Count by Category of Sanction and Decision Maker Under COAB  
July 1, 2015 – June 30, 2016**

Decision Maker	COAB - Refuse Application up to 5 years
Registrar's Office	1