

Faculty of Arts Policy and Procedures Relating to Academic Appeals

1. Preamble

1.1 The principles governing the hearing of appeals by Faculty Appeals Committee are:

1. That fairness should be applied to all parties in procedures and decisions;
2. That academic decisions should be made as close as possible to the level on which the academic competence resides.

Fairness includes, but is not limited to, such practices as all parties to the appeal having the opportunity to be heard, all parties to the appeal being made aware of the evidence considered by the Committee and no individual sitting in judgment 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.

2. Mandate

The Faculty of Arts has the authority and responsibility to hear any appeal related to academic matters under its jurisdiction including but not necessarily limited to:

1. Course grades for all graduate and undergraduate students registered in courses offered by the Faculty irrespective of the Faculty affiliations of those students;
2. Rulings related to general program regulations of students registered in the Faculty of Arts.
3. Suspension or expulsion from the Faculty of Arts for reasons of academic misconduct.
4. Requirement to withdraw from the Faculty of Arts.

NOTES

Appeals may also be launched by instructors against rulings about student appeals by either the Head or the Faculty.

Appeals regarding non academic matters must be addressed to the office of the Vice-Provost (Students). In case of doubt, both undergraduate and graduate students are advised to contact the Student Ombudsperson.

Appeals of Faculty of Graduate Studies decisions or regulations must be addressed to the Dean of the Faculty of Graduate Studies.

3. Composition of an Appeals Committee:

3.1 The Faculty Appeals Committee will consist of at least ten faculty members and four student members.

3.1.1 Faculty members are chosen by and from the Departments for a two-year term on a rotational basis established by the Dean. To ensure continuity, terms shall be

staggered so that half the members are replaced each year. Terms start on Sept 1. No Department shall have more than one member on the Committee. The Chair and Associate Chair will be chosen by the Dean from among the Departmental representatives.

3.1.2 Student members, who must be students in the Faculty of Arts, are appointed for a one-year term by the Students' Union and are normally the elected representatives to the Faculty.

3.2 The subcommittee to hear any particular case or series of related cases is constituted by the Chair of the Faculty Committee, who normally chairs. The Associate Chair shall replace the chair in the case of absence or conflict of interest. Once constituted, the subcommittee acts in the name of the Committee and shall consist of the Chair, a student representative appointed by the Students' Union and four other faculty members. When the appeal is lodged by a graduate student, the student member will be a graduate student who is named by the Graduate Student Association and whose graduate program is within the Faculty of Arts. When the appeal is against a Department, that Department shall not be represented on the committee. A quorum shall be five members to include the Chair and the student member.

4. Launching an Appeal:

4.1 Content of the letter of appeal

Each appeal at the Faculty level must be addressed to the Dean in writing and must describe clearly:

1. the nature of the grievance or decision involved;
2. the grounds on which the appeal is based;
3. the remedy sought, and, if appropriate;
4. a description of any actions taken or to be taken by the appellant to ensure the situation under appeal won't occur in the future;
5. the steps, if any, taken to resolve the grievance at a lower level, as described in 4.2 below.

It is the responsibility of the appellant to submit in writing all available information which he or she wishes to have considered by the Committee. It is strongly advised that copies of medical documentation, relevant correspondence and any other relevant documents be attached to the appeal.

4.2 Steps prior to submitting an appeal

Before an appeal will be considered, the appellant must provide written documentation that he or she has sought an acceptable resolution at the departmental or program level, if appropriate. Course-related matters should be taken up first with the instructor and then with the Department Head or Program Director if a satisfactory resolution is not achieved. Departmental/program procedures are at the discretion of the Head/Program Director and are matched to the nature of the problem. In the case of a challenge to a final grade, a student's *first* step must be consultation with the instructor and/or Head/Director followed, if necessary, by the submission of a standard "request

for reappraisal" form, which automatically initiates an independent Departmental/Program Review of the final examination only, with the student's next recourse being at the Faculty level. For appeals of Faculty decisions, such as a requirement to withdraw, the student must first consult the Associate Dean (Students).

4.3 Initial assessment of the Dean

Depending on the assessment of the nature of the case, the Dean (or designate) may **either**

(a) refer without consideration the matter directly to an Appeals Committee of the Faculty for decision or resolution; or

(b) attempt to resolve the problem in a manner deemed appropriate in the circumstances and on the basis of such enquiries and consultations as are considered necessary, provided that if the appellant is not satisfied with the proposed resolution, the appellant may request that the matter be then formally referred to the Appeals Committee, the decision of which shall then be accepted by the Dean.

Appeals shall be considered in the above manner against departmental or program decisions or against rulings made by the Office of the Associate Dean (Students).

To be considered, any appeal must be received by the Dean within fifteen calendar days of the event or issuance of the decision under appeal. For an appeal to be upheld, it must be shown that an injustice has occurred.

4.4. Preparation of the appeal file:

(a) In the case where an appeal is referred to the Appeals Committee, the Dean's Office shall provide the file of written material pertinent to the case to the Chair as soon as possible. The Chair will seek any information deemed necessary to augment the written material provided. The Chair shall decide if the available material provides grounds on which the Appeals Committee should hear the case. At the discretion of the Chair the appeal may be upheld without a hearing. If the Chair decides that appropriate grounds have not been demonstrated, the case will not be heard by the Appeals Committee and the appeal denied. The appellant will be informed of the decision in writing and will be given one further opportunity to resubmit his or her appeal to the Chair of the Appeals Committee.

(b) If a committee is struck to hear the case, the parties to the appeal may provide to the Chair any further documentation for inclusion in the appeal record. The Committee will itself determine and seek all additional information and documentation which it considers necessary for the achievement of a fair resolution of the appeal. This will include statements from those responsible for the decision under appeal. In particular, when an appeal is made against an instructor or is a challenge against a final grade, the Head/Director, and/or the instructor, will have the opportunity to make a submission. When an appeal is made against a Faculty decision, the Associate Dean (Students) will have the opportunity to make a submission. The decision of the Appeals Committee will be based solely on the evidence presented at the hearing and on prior written submissions which will be available to all parties.

(c) The Chair will make available to all parties to the appeal, at least seven calendar days prior to the hearing, all relevant documents received pursuant to paragraphs 4.4(a) and (b).

(d) A party to the appeal may request that the Committee consider a confidential document without divulging its specific contents to the other party because of overriding interests of privilege, confidentiality, or otherwise. The Committee shall, in such cases, only consider the confidential material if the other party to the appeal can be reasonably and fairly apprised of the general nature of the contents.

5. Procedures Governing Appeal Hearings:

5.1. Notice of Hearing

The Committee will proceed without unnecessary delay to consider the appeal and will normally respond to it within one month of its initiation. The Chair will give at least fifteen days written notice of the hearing to the appellant and to the party or parties against whom the appeal is made. The notice will include information on the composition of the Appeals Committee. Where a course is involved, the notice will also be sent to the instructor of the course.

5.2 Challenges to the composition of the Committee

Any party to the appeal has the right to challenge, for cause, any member of the Committee. The validity of the challenge shall be judged by the Chair. If the Chair is challenged, the challenge shall be judged by the remainder of the Committee. If the members are equally divided in their opinions on the validity of the challenge, the challenge shall not be upheld. Cause may include current teacher/student relationships, evidence of potential bias, or any other factor likely to prejudice a fair hearing. To be considered, a challenge to a member of the Subcommittee must be forwarded to the Dean's Office at least seven calendar days prior to the start of the appeal hearing.

5.3 Procedural Guidelines for the Hearing

The following guidelines shall apply to the procedures of the Committee:

(a) The Committee will have access to all relevant documents pursuant to paragraphs 4.4(a) and (b).

(b) The Committee will provide opportunities for the appellant and the party responsible for the decision under appeal (or their representative) to appear before it and to participate. In the case of an appeal against several individuals or a Department/Program, a departmental/program representative will be given the opportunity to appear before the Committee.

(c) The Committee may, **if special circumstances exist**, allow the appellant and/or the person responsible for the decision under appeal, to be accompanied by another individual to assist with the presentation of information. The decision to do so will be made by the Chair on presentation of a justification, including the name and occupation

of the individual and the grounds under which the advisor is requested. This request must be made known at least three working days in advance of the meeting. With this advance notice, the University of Calgary student Ombudsperson will normally be permitted to attend. Except in exceptional circumstances which would be so defined by the Chair, a student may not bring a parent or guardian as an advisor to a hearing. In addition, as the process for handling appeals is an administrative process and is not a criminal process, advisors may not include legal counsel.

(d) To protect the confidentiality of student records, Committee meetings shall **not** normally be open. The presence of observers shall be at the Chair's discretion following receipt of specific requests, in advance of the meeting, relating to a particular appeal case.

(e) Proceedings at meetings shall not be audio or video recorded unless the Committee considers this essential to assist it in its task.

(f) In the case of a group appeal, the Committee at its discretion, will normally provide the opportunity for a single spokesperson for the group to appear before it but may interview others at the hearing at its discretion.

(g) Both parties to the appeal shall have the opportunity to ask questions, through the Chair, about the evidence presented at the hearing. Those persons with the best knowledge of the circumstances should be invited to appear at the hearing to assist the Committee. For appeals against an instructor or a Department, the instructor and the Head of Department or representative will have the opportunity to appear. For appeals against Faculty rulings, the Associate Dean (Students) will have the opportunity to appear. All such invitations shall be made through the Chair in writing.

(h) If either or both parties fail to appear or decide not to appear before the Committee, the Committee will proceed on the basis of the written submissions of that party or of both parties.

(i) Only members shall be present when the Committee considers its final decision. The Committee must arrive at a decision or resolution which is supported by a majority of the members present during its deliberations. In this context, the Chair votes only to break a tie.

5.4 Communication of decision and further steps

(a) The Committee (through a letter written by the Chair) shall report its decision to the Dean without undue delay. The Dean may solicit further information from the Chair and has the authority to both approve and overturn the Committee's decision.

(b) The decision of the Faculty will be made known without undue delay to the appellant, the Associate Dean (Students), in writing, and, if appropriate, the Registrar,

the instructor and Head/ of Department/ Program Director. The Committee's (or Dean's) report should include a brief description of the procedures followed and a concise statement of the factors leading to the decision. The Chair of the Appeals Committee will normally represent the Faculty at any subsequent appeals of the decision.

(c) If in a particular case the Committee wishes to suggest that useful actions might be taken to improve Faculty regulations or procedures, or to avoid recurrence of certain problem situations, appropriate recommendations or comments should be transmitted to the Dean in a separate memorandum, with copies to the instructor, Head of Department/ Program Director and Associate Dean (Students), when appropriate.

(d) Decisions of the Faculty may be appealed to the General Faculties Council Committee to hear Student Appeals but the onus will be on the appellant to demonstrate that proper procedures were not followed or that there was bias in the proceedings or that there is substantial new evidence which could not have been presented at an earlier stage.

Bearing in mind the possibility of further appeal at the General Faculties Council level, the Committee Chair should retain adequate notes on the case in order to be able to respond to subsequent queries.