



Preamble

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(a)(h)). GFC may also legislate “conditions or restrictions” on the powers of Faculty Councils (section 29(1)).

Application and Jurisdiction

1. Grounds for Appeal

The grounds for an appeal shall include:

- a) procedural errors on the part of a department or the Faculty;
- b) failure on the part of a department or Faculty administrator to make a decision in a fair and equitable manner in light of the procedures, standards, and circumstances applicable in the case of an appellant;
- c) failure of the Faculty to consider all factors relevant to the decision being appealed.

The Academic Appeals Committee (Undergraduate) shall receive only one appeal from the same Appellant regarding the same decision.

2. Powers of a Panel

The decision of an Appeal Panel shall be either:

- a) to uphold the appeal and make such order as is required, or deemed appropriate by the panel;
- b) to deny the appeal.

This decision shall be final within the Faculty of Education. The student can appeal to General Faculties Council Academic Appeals Committee ONLY on decisions related to academic standing. The General Faculties Council Academic Appeals Committee is not permitted to consider appeals with respect to marks or grades awarded in individual Faculty of Education courses.

DEFINITIONS

Academic Standing	refers to any matter covered in the Faculty’s academic standing regulations as approved by General Faculties Council or its Executive Committee. These regulations appear in the University of Alberta Calendar and include such matters as continuation in or requirement to withdraw from a program in the Faculty of Education.
Appellant	a student appealing a decision of the Faculty of Education
Committee	the Faculty of Education Academic Appeals Committee (Undergraduate)
Committee Chair	the Chair of the Faculty of Education Academic Appeals Committee (Undergraduate)
Alternate Chair	an alternate chair should the Committee Chair be unavailable
Grade Appeal	an appeal in which students claim they received a grade other than that which they earned.
Grade	a mark which has been converted to a number on the four-point grading



	system in use at the University of Alberta.
Mark	a raw score (in the form of a percentage, a letter grade, or any other form) assigned by the course instructor.
Panel	the group of four persons which hears individual cases.
Panel Chair	the Chair of a particular Academic Appeal Panel.
Respondent	in the Faculty of Education, a person designated by the Dean to represent the Faculty during an appeal (usually the Associate Dean, Programs and Services, or delegate), or a faculty member against whom allegations are made and who appears before the Appeal Panel.
Working Day	A day on which University administrative offices are open.

Academic Appeal Panel (Undergraduate) Membership

The Academic Appeal Panel membership is derived from the Faculty of Education's Academic Appeals Committee (Undergraduate) with the following composition:

- a) one (1) academic committee member as Panel Chair
- b) two (2) academic committee members
- c) one (1) undergraduate student chosen from the list of eligible panel members

The appeal panel may include the Academic Appeals Committee Chair. The Academic Appeals Committee (Undergraduate) Chair will appoint an Appeal Panel Chair at the time the Panel is identified. The Committee Chair may serve as the Panel Chair.

Appeal Panel members may complete their service in a given appeal notwithstanding a change in their status that would otherwise disqualify them from membership.

Procedures Prior to Appeal Hearing

1. Informal Procedures

Appeals regarding the student's standing in an individual course should first be directed to the instructor concerned or to the course coordinator.

If the matter cannot be resolved or if it involves a program in a department, the student shall discuss the problem with the department chair in which the student is enrolled or, in the case of a mark or grade appeal, with the department chair in which the course is offered. Re-appraisals of final examinations are dealt with by the department chair.

If the matter remains unresolved the student would then be referred to the Associate Dean, Programs and Services in the Undergraduate Student Services office. After the student has exhausted potential remedies available through informal procedures, and if the student believes there has been an error or unfair treatment, a formal appeal may be initiated.

2. Formal Procedures

To initiate a formal appeal, students shall submit their formal appeal within ten (10) working days of receipt of the Associate Dean, Programs and Services or delegate's written notification of the adverse decision. The student must submit two (2) copies of a written statement to the Chair of the Faculty of Education Academic Appeals Committee (Undergraduate). Students will sign their written statement, which shall include:



- a) the substance of the matter to be appealed, the grounds for the appeal, and the nature of the relief requested;
- b) all relevant information, including an outline of the informal procedures undertaken;
- c) contact information, including current address, phone number(s), and email address.

In addition to the written statement, all relevant supporting documents, including those submitted during the informal levels of appeal, must be included as appendices with the submission.

Written submissions should be addressed to: Chair, Faculty of Education Academic Appeals Committee (Undergraduate) / c/o Governance Administrator / 845 Education South / 11210 – 87 Ave / Faculty of Education / University of Alberta / Edmonton AB T6G 2G5

The hearing shall be held as soon as possible after receipt of the written appeal, allowing a reasonable time for both the Appellant and the Respondent to prepare. 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. The Committee Chair shall provide ten (10) working days notice to the Appellant by registered mail or courier and to the Respondent by campus mail of the time and place of the hearing. The requirement of ten (10) working days notice may be waived if there is unanimous agreement of the Committee Chair, the Appeal Panel Chair, the Appellant and the Respondent.

Upon receipt of the statement of appeal, the Committee Chair shall:

- a) determine whether the appeal falls within the Appeal Committee's jurisdiction;
- b) select a Committee member to act as Panel Chair. The Committee chair may choose to act as the Panel Chair.
- c) provide the Appellant and Respondent with the names of all Committee members who could comprise the Appeal Panel. The Appellant and the Respondent will have five (5) working days to submit a written challenge of a potential member of the Appeal Panel to the Committee Chair. Challenges may be made only on the grounds that the panel member may have a bias that would prevent a fair hearing and must include written reasons to support the challenge. If the Committee Chair concurs with the challenge, the Committee Chair will replace the panel member with another member who will be selected by rotation from the same constituent group (i.e., faculty member or undergraduate student);
- d) determine a date for the appeal hearing;
- e) inform, in writing, the Appellant and Respondent of the date of the appeal.
- f) Transition the remaining responsibilities to the Panel Chair.

The Appellant and Respondent must notify the Panel Chair immediately upon selecting an Advisor for purposes of attending the hearing and provide the Chair with the name of the Advisor.

A witness list must be provided to the Panel Chair by both the Appellant and Respondent at least five (5) working days prior to the hearing date. The Panel Chair shall inform the other party of the identity of the witnesses. Each party is responsible for securing the attendance of their witnesses at the hearing.

The function of the Appeal Panel is to hear the statements brought forward by the Appellant and the Respondent, and, on the basis of such information, to arrive at its decision. The Panel is not bound by rules of evidence or procedures applicable to court of law.

Subject to existing University regulations governing the confidentiality of information, all documents relative to the appeal, including documents submitted during the informal levels of appeal, shall be made available to the members of the Appeal Panel and to both parties. Both the Appellant and the Respondent must have ten (10) working days prior access to copies of all documents to be placed before the hearing.



In exceptional cases where new documents are available only after the deadline, these documents will be admissible if the Panel Chair and the Appellant or Respondent agree to include them as evidence. In the case that new information or documents are introduced during a hearing, it will be at the discretion of the Panel Chair to decide, after consultation with the Panel and the Appellant or the Respondent, if the hearing should proceed with the new information as evidence or if a new academic appeal hearing should be held.

Prior to the hearing, members of the Appeal Panel shall take such steps as are necessary to familiarize themselves thoroughly with the relevant Faculty regulations.

Procedures During the Appeal Hearing

The appeal hearing shall be held 'in camera' (i.e., closed; only those directly involved will be present).

The quorum for the Appeal Panel shall consist of four members, including the Panel Chair. A member who is unable to participate in an appeal panel may be replaced by an alternate member from the same category as the absent member, prior to the commencement of the hearing.

The Panel Chair may seek advice from a third party as to procedural, evidentiary, expert or legal issues raised during the time of the appeal.

Both the Appellant and the Respondent may have an advisor present at the hearing for support or advice, but the case must be presented by the Appellant or Respondent; not the Advisor.

In the event that the Appellant or Respondent is absent, the Appeal Panel has two alternatives: (1) to proceed with the hearing (using the written documentation received from the Appellant if the Appellant is absent) or (2) to reschedule the hearing. The Panel Chair will make the decision based on the circumstances of the individual case.

The following suggested hearing procedures will normally be followed:

- a) the Panel Chair provides an opening statement and review of hearing procedures;
- b) the Panel Chair shall invite the Appellant to state his/her case and call witnesses;
- c) the Panel Chair shall invite the Respondent to cross-examine the Appellant and the Appellant's witnesses as they appear;
- d) the Panel Chair and other panel members may cross-examine the Appellant and the Appellant's witnesses as they appear;
- e) the Panel Chair shall invite the Respondent to present the case and call witnesses;
- f) the Panel Chair shall invite the Appellant to cross-examine the Respondent and the Respondent's witnesses as they appear;
- g) the Panel Chair and other panel members may cross-examine the Respondent and the Respondent's witnesses as they appear;
- h) the Panel Chair may invite expert witnesses or resource persons to address the hearing or to answer questions.
- i) the Panel Chair shall invite the Appellant to present any evidence he/she may have by way of rebuttal. Such evidence shall be subject to cross-examination as before;
- j) the Panel Chair shall invite the Respondent to present any evidence he/she may have by way of rebuttal. Such evidence shall be subject to cross-examination as before;
- k) the Panel Chair shall invite the Appellant and then the Respondent to make brief final statements, the statements shall not be subject to cross-examination;
- l) the Panel Chair shall then adjourn the hearing for the Appeal Panel's deliberation.

Decision shall be by majority vote, with the Panel Chair with the Chair exercising a deciding vote



only. The members of the Appeal Panel shall vote by written ballot.

The Appeal Panel shall decide either to (a) uphold, or (b) deny the appeal. Its decision shall be binding within the Faculty.

If an appeal of Academic Standing is upheld, the Panel will decide on a course of action to be recommended, by the Committee Chair, to the Associate Dean, Program and Services. If an appeal of Academic Standing is denied, the Committee Chair will advise the student of their right to appeal within fifteen (15) working days of written notification of the adverse decision to the General Faculties Council Academic Appeals Committee.

If an appeal of a mark or grade is upheld or denied, the Appeal Panel will determine the student's final mark for the course. No further appeal of mark or grade will be considered; the decision of the Appeal Panel in matters of grade appeals is final and binding.

A written record of the proceedings shall be taken. Such records shall be retained on file in the Vice-Dean's Office for a minimum of one (1) year and until such time as the Appellant is no longer active in their program. All relevant materials shall be placed at the disposal of the General Faculties Council Academic Appeal Committee in the case of further appeal.

Procedures Following the Appeal Hearing

The decision of the Appeal Panel, together with a Hearing Summary and description of needed action, if any, shall be transmitted to the Committee Chair within four (4) working days of the formal appeal.

When the Hearing Summary has been accepted by the Committee Chair, the Appeal Panel shall be discharged.

The Committee Chair shall immediately inform the Dean of Education of the decision and any action necessary concerning relief for the Appellant.

Within five (5) working days after the appeal, the Committee Chair shall inform the Appellant and the Respondent in writing of the Appeal Panel's decision and the reasons for the decision (attached in the form of a Hearing Summary), plus any recommendations from the Appeal Panel. The decision of the Panel must be sent to the Appellant by registered mail or courier and to the Respondent by campus mail. The Committee Chair shall submit a copy to the Dean of Education and, in a case where the Respondent was a delegate of the Associate Dean, Programs and Services, to the Associate Dean.

If the Appellant does not receive the notification of the Appeal Panel's decision and reasons within ten (10) working days, it is the Appellant's responsibility to request a copy of the notification from the Governance Administrator / 845 Education South / 11210 – 87 Ave / Faculty of Education / University of Alberta / Edmonton AB T6G 2G5

Appeal to General Faculties Council Appeal Board

If the matter being appealed concerns academic standing, the student has the right to a further appeal to the General Faculties Council Academic Appeals Committee. The Appellant must be informed of this right by the General Chair. An appeal can be made on the basis that a miscarriage of justice has occurred.

To initiate such an appeal, the student must, within fifteen (15) working days of the deemed receipt of the written Faculty of Education decision, deliver to the Secretary of General Faculties Council a signed written statement. This statement must set out the decision being appealed, the



name of the person or body making the decision, the grounds for appeal, the nature of the injustice and the relief requested. Further information can be obtained from the Secretary to General Faculties Council.

Updates: Academic Appeals Committee April 29, 2014
Revised in accordance with GFC updates March 2013
Approved: Faculty Council May 1, 2012
Approved: Academic Appeals Committee April 19, 2012