

Faculty of Graduate Studies
ACADEMIC APPEALS COMMITTEE – PROCEDURES

A. PURPOSE

The purpose of these procedures is to provide for the fair, orderly and expeditious resolution of student appeals relating to academic matters within the jurisdiction of the Faculty of Graduate Studies.

B. JURISDICTION

The Faculty of Graduate Studies' Student Appeals Committee (the "Committee") hears student academic appeals from decisions of, or the refusal to make decisions by, the Faculty of Graduate Studies regarding academic standards, or the application of Faculty of Graduate Studies academic regulations.

The Committee's jurisdiction does not extend to the following, each of which may be addressed through other processes within the University:

- Admissions decisions;
- Decisions relating to the awarding of a scholarship, award, or bursary;
- Grade reassessments;
- Appeals from graduate students regarding academic standards, academic evaluation, academic progression, academic advancement, or the application of University or Faculty regulations other than those of the Faculty of Graduate Studies;
- Allegations of academic or scholarly dishonesty;
- Allegations of professional unsuitability;
- Allegations of discrimination (including failure to provide reasonable accommodation);
and

Allegations of misconduct that fall under the Code of Student Conduct.

C. GROUNDS OF APPEAL

A student may bring an appeal where they believe there has been unfairness, including bias or irregularity in decision making, in a decision, or the refusal to make a decision, (the "Decision") by a faculty member or academic administrator regarding academic matters.

The burden rests on the student to prove that there are sufficient grounds to alter the Decision.

D. APPEAL PROCEDURES

1. Informal Process

1.1. Students are expected to attempt to resolve their concerns informally.

- 1.2. If the Decision was made by a faculty member, the student should usually first attempt to resolve their concerns informally with them. If the student and faculty member are unable to resolve the student's concerns, the student should attempt to resolve the concerns informally with the graduate.
- 1.3. If the Decision was made by an administrator other than graduate coordinator, the Director of the student's School or College, the student should usually first attempt to resolve their concerns informally with that administrator. If the student and academic administrator are unable to resolve the student's concerns, the student should attempt to resolve the concerns informally with the department or unit.
- 1.4. If the Decision was made by the department or unit head, the student should attempt to resolve their concerns informally with them.
- 1.5. Notwithstanding anything in these procedures, concerns may be resolved informally between the parties at any point during the appeal process, until the Decision is rendered by the Committee.

2. Formal Process

Submission of Appeal

- 2.1. If the student's concerns cannot be resolved informally, a student may appeal the Decision in writing within **30 days** of the Decision being sent to the student. To appeal the Decision, the student must deliver to the Chair of the Committee a [Notice of Appeal](#). The Notice of Appeal must be signed by the student, submitted to graduate.studies@dal.ca, and include the following information:
 - 2.1.1. any supporting arguments and evidence;
 - 2.1.2. names of witnesses, if any, to be called at the hearing;
 - 2.1.3. any other relevant considerations;
 - 2.1.4. supporting letters, if applicable; and
 - 2.1.5. the requested outcome.
- 2.2. In the rare case that there is another formal process **in progress** regarding the same matter, the student can request that the appeal to the FGS Appeal Committee be deferred until the other matter is formally resolved. Such a request must be received within **30 days** of the original FGS Decision under appeal being sent to the student.
- 2.3. Upon receipt of the student's appeal materials, the Chair of the Committee will:
 - 2.3.1. appoint three members of the Committee (two faculty and one student) to serve as the Hearing Panel for that appeal;

- 2.3.2. appoint one of the faculty members of the Hearing Panel as the Chair of the Hearing Panel;
- 2.3.3. provide a copy of the appeal materials to the FGS Associate Dean (Appeals) who will serve as the respondent and require a written response within **14 calendar days** of sending those appeal materials; and
- 2.3.4. inform both the student and the respondent of:
 - 2.3.4.1. the time and location of the hearing;
 - 2.3.4.2. the names of the Hearing Panel members;
 - 2.3.4.3. the names of witnesses to be called; and
 - 2.3.4.4. the right to be accompanied one advocate, and in the case of the student, also by no more than one support person.
- 2.4. The written response by the FGS Associate Dean to the Appeal must include the following information:
 - 2.4.1. confirmation of the nature of the Decision;
 - 2.4.2. response to the grounds of appeal and any supporting arguments and evidence;
 - 2.4.3. the names of witnesses, if any, to be called at the hearing;
 - 2.4.4. any other relevant considerations; and
 - 2.4.5. the name of the advocate who will attend the hearing (if applicable).
- 2.5. The Chair of the Committee will forward the student's appeal materials and the written response of the FGS Associate Dean (Appeals) to the members of the Hearing Panel. The Chair of the Committee will also ensure that the student and the FGS Associate Dean (Appeals) have copies of all submissions provided to the Hearing Panel.

Hearing of Appeal

- 2.6. The Hearing Panel will make best efforts to ensure the hearing is held within **30 days** of receipt of all supporting material by the Chair of the Committee.
- 2.7. The parties to the appeal are the student and the FGS Associate Dean (Appeals). Each party has the right to be present at the hearing, hear all of the evidence presented, challenge any evidence presented, and question any individuals who present information to the Hearing Panel.
- 2.8. The student has the right to be accompanied at the hearing by an advocate and no more than one support person. The FGS Associate Dean (Appeals) has the right to be accompanied by an advocate.

- 2.9. Unless the Chair of the Hearing Panel indicates otherwise, the student (or their advocate where they have one) will present their case first, after which the FGS Associate Dean (Appeals) (or their advocate where they have one) and the Hearing Panel will have the opportunity to ask questions. The FGS Associate Dean (Appeals) (or their advocate) will then present their case, after which the student (or their advocate) and the Hearing Panel will have the opportunity to ask questions. Thereafter, the student, followed by the FGS Associate Dean (Appeals) will have the opportunity to make short concluding remarks.
- 2.10. Hearings shall not be recorded without the approval of the Chair of the Hearing Panel.
- 2.11. Any information gathered in any appeal, including information presented at the hearing, is confidential except to the extent that disclosure is necessary to implement these procedures or to carry out a decision made by the Hearing Panel.

Deliberation and Decision on Appeal

- 2.12. Following the hearing, the student and FGS Associate Dean (Appeals) will leave and the Hearing Panel will deliberate in camera. The decision will be by simple majority and the Hearing Panel will prepare written reasons for that decision.
- 2.13. Subject to subsection 2.14, the Hearing Panel may:
 - 2.13.1. dismiss the appeal;
 - 2.13.2. allow the decision under appeal to stand, despite possible insubstantial procedural errors; or
 - 2.13.3. allow the appeal with an appropriate remedy that is within the authority of Senate.
- 2.14. In no event will the Hearing Panel conduct a substantive evaluation of the work of a student, but if unfairness in the evaluation procedure is established, the Hearing Panel may recommend that a re-evaluation be conducted by a qualified person(s) designated by the Hearing Panel.
- 2.15. The Chair of the Hearing Panel will make best efforts to provide the Hearing Panel's decision, including the written reasons for the decision, to the Chair of the Committee within **14 calendar days** of the hearing. The Chair of the Committee will then provide the decision to the parties and to the Dean of Graduate Studies, or their designate.
- 2.16. Hearing Panel members will return all documentation and written notes regarding the appeal to the Chair of the Committee following its deliberations. The Chair of the Committee will ensure official records are stored securely in the Dean's Office, or the office of their designate.

E. APPEAL OF HEARING PANEL DECISION

The student may appeal the decision of the Hearing Panel to the Senate Appeals Committee.

Approved by FGS Faculty Council 15 December 2015.

Revised by FGS Faculty Council 25 September 2018.