

 DALHOUSIE UNIVERSITY FACULTY OF HEALTH Student Appeals	<i>Policy Sponsor:</i> Dean	<i>Approval Date:</i> Faculty Council, April 28, 2016
	<i>Responsible Unit:</i> Faculty Council	<i>Amendments:</i> Faculty Council, Sept. 27, 2018 Faculty Council, May 26, 2022

1. Terms of Reference: Faculty of Health Student Appeals Committee

The Faculty of Health’s Student Appeals Committee is a Standing Committee of Faculty Council.

A. PURPOSE

The purpose of the Student Appeals Committee is to hear appeals from students regarding academic matters in accordance with the jurisdictions and procedures approved by the Faculty of Health.

B. COMMITTEE MEMBERSHIP

The Student Appeals Committee shall be made up of:

- (a) The Associate Dean Academic, who serves as Chair.
- (b) Faculty Members elected by Faculty Council: One full faculty member from each School/College.
- (c) Student Members: Two undergraduate students elected by undergraduate student societies; two graduate students elected by graduate student societies.

C. RESPONSIBILITIES

The Student Appeals Committee is responsible for:

- Student Appeals: Through the Chair of the Student Appeals Committee, forming panels of three from among its members to hear student academic appeals from decisions or the refusal to make decisions made by the School/College regarding academic standards, academic evaluation, academic progression, academic advancement, or the application of other academic regulations where the student believes there has been unfairness in the decision or the refusal to make a decision. In all cases, the Panel will include two faculty members (neither of whom are in the same School or College as the student bringing the appeal) and one student who will have the same status (undergraduate or graduate) as the student bringing the appeal and who will not be in the same School or College as that student.

- Hearings: Through its panels and in accordance with the appeal procedures approved by Faculty Council, conducting the hearings described above and deciding each appeal.
- Reporting: Providing an annual report to Faculty Council concerning the work of the Committee and decisions of the hearing panels convened during the year. In doing so, the Committee shall at all times maintain the confidentiality required of the appeals process, including not disclosing, directly or indirectly, the identity and outcome of individual appeals.
- Training: Meeting a minimum of once annually to receive training concerning the jurisdiction and procedures established by Faculty Council for this Committee, the proper conduct of a hearing, and other relevant legal principles. Meetings can also be arranged to review the Committee's operation or to address emerging policy issues as required.
- Providing Feedback: If appropriate, providing feedback to the Director of a School or College where an appeal originated in relation to the School or College's processes (in terms of what worked well and suggestions for review).

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2. Faculty of Health Academic Appeals 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 Health.

B. JURISDICTION

The Faculty of Health's Student Appeals Committee (the "Committee") hears appeals by students from decisions of, or the refusal to make decisions by, the Faculty of Health or Schools/College within the Faculty of Health regarding academic standards, academic evaluation, academic progression, academic advancement, or the application of University, Faculty or School academic regulations. The Committee hears appeals by graduate students when they appeal in these areas, except when the appeal involves Faculty of Graduate Studies (FGS) academic standards and/or application of FGS academic regulations (in which case the Faculty of Graduate Studies' Student Appeals Committee has jurisdiction).

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;
- 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, on a standard of reasonableness, 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 Director of the student's School/College.
- 1.3. If the Decision was made by an administrator other than 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 Director of the student's School/College.
- 1.4. If the Decision was made by the Director of the student's School or College, the student should attempt to resolve their concerns informally with that Director.
- 1.5. Notwithstanding anything in these Appeal Procedures, concerns may be resolved informally between the parties at any point during the appeal process, including after a Notice of Appeal has been submitted.

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 to the Chair of the Committee within **30 calendar days** of the Decision being sent to the student. To appeal the Decision, the student must deliver to the Chair of the Student Appeals Committee a Notice of Appeal. The Notice of Appeal must be signed by the student and include the following information:
 - 2.1.1. the grounds of appeal and any supporting arguments and evidence;
 - 2.1.2. the 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;
 - 2.1.5. the requested outcome; and
 - 2.1.6. the names of the advocate and/or support person who will be at the hearing.
- 2.2. Upon receipt of the student's appeal materials, the Chair of the Committee will:

- 2.2.1. appoint three members of the Committee (two faculty and one student – undergraduate or graduate depending on the status of the appellant) to serve as the Hearing Panel for that appeal. No member of this Hearing Panel is to be from the school/college from which the appeal has originated.
 - 2.2.2. appoint one of the faculty members of the Hearing Panel as the Chair of the Hearing Panel;
 - 2.2.3. provide a copy of the appeal materials to the faculty member/academic administrator whose decision is the subject of the appeal and require a written response within **14 calendar days** of sending those appeal materials. The written response by the faculty member/academic administrator to the Appeal must include the following information:
 - 2.2.3 confirmation of the nature of the Decision;
 - 2.2.4 response to the grounds of appeal and any supporting arguments and evidence;
 - 2.2.5 the names of witnesses, if any, to be called at the hearing;
 - 2.2.6 any other relevant considerations; and
 - 2.2.7 the name of the advocate who will attend the hearing (if applicable).
 - 2.2.4. inform both parties of:
 - 2.2.4.1.1. the date, time, location, and format (in-person, virtual, hybrid) of the hearing;
 - 2.2.4.1.2. the names of the Hearing Panel members;
 - 2.2.4.1.3. the names of the witnesses who will be called; and
 - 2.2.4.1.4. their right to be accompanied by one advocate, and in the case of the student also by no more than one support person.
- 2.3. The Chair of the Committee will forward the student’s appeal materials and the written response of the faculty member/academic administrator to the members of the Hearing Panel. The Chair of the Committee will also ensure that the student and the faculty member/academic administrator have copies of all submissions provided to the Hearing Panel.

Hearing of Appeal

- 2.4. The Hearing Panel will make best efforts to ensure the hearing is held within **30 calendar days** of receipt of all supporting material by the Chair of the Committee.
- 2.5. The parties to the appeal are the student and the faculty member/academic administrator who made the Decision. Each party has the right to be present at the hearing, hear all the evidence presented, and challenge any evidence presented.
- 2.6. The student has the right to be accompanied at the hearing by an advocate and no more than one support person. The faculty member/administrator has the right to be accompanied by an advocate.
- 2.7. At the commencement of the hearing, the Hearing Chair will summarize the procedure for the hearing.
- 2.8. The student (or their advocate) will make their presentation after which the members of the Hearing Panel will be given the opportunity to ask questions of the student (or to their advocate).
- 2.9. The faculty member/academic administrator (or their advocate) will then make their presentation after which the members of the Hearing Panel will be given the opportunity to ask question of the faculty member/academic administrator.
- 2.10. The student (or their advocate) will be given an opportunity to reply to the presentation of the faculty member/academic administrator. Any such reply will be limited to new matters raised

during the faculty member/academic administrator presentation that could not have been anticipated when they made their presentation.

- 2.11. Members of the Hearing Panel will be given a final opportunity to ask questions of the student and of the faculty member/academic administrator (or their respective advocates).
- 2.12. The student and the faculty member/academic administrator (or their advocates) will be given the opportunity to make brief closing statements.
- 2.13. Hearings shall not be recorded without the approval of the Chair of the Hearing Panel.
- 2.14. 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

- 2.15. Following the hearing, the student and faculty member/academic administrator (and any advocates and support persons) 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.
- 2.16. Subject to subsection 2.12, the Hearing Panel may:
 - 2.16.1. dismiss the appeal;
 - 2.16.2. allow the decision under appeal to stand, despite possible insubstantial procedural errors; or
 - 2.16.3. allow the appeal, with an appropriate remedy within the authority of Senate.
- 2.17. 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.
- 2.18. 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 **10 calendar days** of the hearing. The Chair of the Committee will then provide the decision to the parties and to the Dean, or their designate.
- 2.19. 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 THE DECISION OF THE HEARING PANEL

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

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