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## Appeal Procedure for Sub-Committee of Graduate Council Executive

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### Regulations and Process

- 1) The graduate student must specify the grounds for appeal, provide a detailed rationale explaining the grounds for appeal, and include all documents or other evidence to support the appeal. Appeals may only be filed on the following grounds:
  - (a) that the decision was made without due regard to proper procedure such that the student was materially disadvantaged or
  - (b) that the decision was made in a manner that lacked fairness that would be apparent to an informed and reasonable observer.

In particular, the merit of an academic judgement made by a duly convened committee. may not be used as grounds for an appeal.

The student's appeal letter, along with any supporting evidence, must be submitted to the School of Graduate Studies via [sgs@uleth.ca](mailto:sgs@uleth.ca) within 30 working days of the decision reached by the relevant committee (e.g. Program Committee or Examination Committee) in accordance with the [Program Appeals - Graduate Students Policy](#).

- 2) The SGS Dean/Associate Dean will immediately form a sub-committee of the Executive Committee of Graduate Council to adjudicate the appeal. This sub-committee will comprise three members, one of whom is a graduate student. Normally, the Chair of the Appeal Committee will be either the SGS Dean or Associate Dean. To ensure impartiality, Committee members shall not serve where there may be a conflict of interest. For this reason, the Program Chair involved in the initial program decision should not normally be a member of this committee. If necessary, to resolve conflicts of interest, the SGS Dean or the President of the GSA may appoint faculty/student representatives from outside of the Executive Committee.
- 3) Upon receipt of the appeal, the Chair of the Appeal Committee shall provide a fair summary of the grounds for the appeal and request the graduate student's supervisor(s) and/or the chair of the examination committee and any other relevant individuals (e.g. members of the examination committee in the case of a thesis defence or a comprehensive exam) to submit any relevant documentation to the Appeal Chair normally within seven (7) working days and no later than fourteen (14) working days after the Chair's request. The School of Graduate Studies will gather and collate all relevant information related to the appeal from the graduate student's records and add this information to the appeal file. The appeal file shall be provided to the Appeal Committee for review. The student, supervisor(s) and/or chair of the examination committee will be granted access to the appeal file or, if there are privacy concerns, a fair summary thereof.

- 4) The Appeal Committee will set its own procedures, which are subject to the procedures outlined in **Appendix A**. The Appeal Committee will normally render a decision within thirty (30) working days of receipt of the appeal information from the graduate student. The Chair will submit the decision in writing to the School of Graduate Studies Dean/Associate Dean, who will, in turn, notify the student and supervisor/advisor in writing of the Appeal outcome. The letter will outline the process followed, the findings, and will indicate the decision outcome reached by members of the Appeal Committee. The letter will also inform the graduate student that the decision is final.
- 5) As directed by the decision letter, if necessary, the School of Graduate Studies will inform Student Enrolment and Registrar Services (SEARS) of the Appeal outcome. The appeal documentation will be retained by the School of Graduate Studies in accordance with the student records management policies.

## **Appendix A:**

### **A1. Conflict of Interest:**

Members should self-identify; however, the Chair shall rule on the eligibility of Committee members in cases regarding potential conflict of interest. No member of the Committee shall act as an advocate for either the student or the supervisor/advisor or otherwise act as a representative of some factional interest.

### **A2. Quorum:**

Quorum shall consist of the three Appeal Committee members.

### **A3. Voting:**

Decisions of the Appeal Committee shall be made by a majority vote. The Chair is a voting member.

### **A4. Procedures:**

The Appeal Committee shall determine its own procedures following principles of natural justice and procedural fairness in conducting the appeal, having regard to the following:

**A.4.1** The Appeal Committee shall rule on whether the appeal is based on the grounds specified in paragraph 1 of this document. If so, the Chair shall proceed to organize a hearing. Otherwise, the Appeal Committee will provide a written rationale for the dismissal of the appeal.

**A.4.2** Appeal Committee hearings will proceed as follows:

A4.1.1 Both the student and supervisor(s)/examination committee chair shall have the right to attend the hearing; however, the non-attendance of one or both will not prevent the meeting from proceeding.

A4.1.2 The student and supervisor(s)/examination committee chair may each bring a support person (including someone from accessibility services, counselling services, a Graduate Student Association member, academic advising or someone else of their choosing). The role of a support person is to provide support and/or advice but not to act or speak for the appellant or supervisor(s)/chair, nor be a witness. The parties must notify the Chair of the

Appeal Committee in writing at least five (5) working days prior to the meeting who will attend with them as a support person. A4.1.3 The Chair shall inform the student and supervisor(s)/examination committee chair by email at their University of Lethbridge email accounts about the date, time and place of the hearing, normally at least ten (10) working days prior to the meeting.

A4.1.4 Both the student and supervisor(s)/examination committee chair may provide a list of suggested witnesses. The Chair may set a limit on the number of witnesses each may invite. The non-attendance of witnesses will not prevent the hearing from proceeding.

A4.1.5 Conduct of the hearing:

- (a) The Chair will explain the hearing format to all present. Attendees will be invited to ask procedural questions at this point.
- (b) If circumstances warrant and on request of the student, the Chair may permit the student to appear in the absence of the supervisor(s) or examination committee chair. In these situations, the student and supervisor(s) or examination committee chair appear before the committee separately. The student should be aware that this deviation from normal hearing procedures means that they will not be present when witnesses (if any) are heard. Students who request separation from the supervisor(s) or examination committee chair will be allowed to make an opening statement and return at the end of the hearing to answer questions.
- (c) The Chair outlines the circumstances leading to the appeal.
- (d) If present, the student may make a statement.
- (e) The Chair invites each witness, if any, to enter the hearing room in turn. The Chair and members of the Appeal Committee may ask questions of witnesses. After their questions have been answered, the student may direct questions to a witness. If the supervisor(s) or examination committee chair wishes to ask questions of a witness at this point, they may. After providing their testimony, witnesses are to leave the hearing room.
- (f) Once witnesses have been heard, the Appeal Committee may wish to direct questions to the student and to the supervisor(s)/examination committee chair
- (g) The student may make a closing statement.
- (h) The Appeal Committee then retires to deliberate.