

Bernie → I had a shot at doing this in latex.
I have a few questions (red) plus
made some additions/deletions (red, plus
triangles in margin). If you could
have a look and ~~check~~
check the results in my
mailbox, we will have
this ready for Friday. Dic.

6 Procedures for Student Academic Appeals and Governance of the Ad Hoc Appeal Committee

6.1 Introduction

6.1.1 The procedures detailed below will be followed in cases where a student wishes to appeal an academic procedure, other than a grade, on the set of criteria detailed in section 2 below.

~~<contradiction: near the end we see appeals of grades>~~ see Section (6.6) ←

6.1.2 The regulations and procedures given below cover appeals launched by both undergraduate and graduate students in the Department of Oceanography at Dalhousie University.

6.1.3 These procedures do not apply to labor disputes between an employee (be that person a student, post-doc, etc.) and an employer (faculty, staff) in regard to working conditions. Persons wishing to dispute a labor condition should consult either the Chair of the Department and/or their union agreement, if applicable, or the laws governing labour relations in Nova Scotia and the procedures detailed therein.

6.1.4 These regulations do not apply if the cause of the dispute centers on discrimination based on gender, race, nationality, sexual orientation, gender identity, official language, or disability. The complainant in such cases must contact the Dalhousie Office of Human Rights, Equity & Harassment Prevention for procedures in such cases. Nor are these regulations applicable to cases of sexual harassment, assault, criminality, etc., where Dalhousie Security or Law Enforcement should be involved.

6.1.5 There are no appeals on admission decisions, including transfers to the PhD program.

6.2 Basis for an Appeal

6.2.1 The procedures below apply to the administration of qualifying and preliminary examinations, comprehensive examinations, thesis proposal defenses, and Master's thesis defenses. Results (grades) of such examinations cannot be appealed as oral portions cannot be regraded.

6.2.2 Appeals related to Doctoral defenses must be directed to Faculty of Graduate Studies in the first instance.

6.2.3 Appeals of course examination grades (re-grading) are direct through the University Registrar's Office, and not the Department of Oceanography. Some clarification on the method of reassessment is given below in section 6.6; otherwise the appellant must follow the procedures set by the Registrar.

<should we just leave the rules to the registrar, thus axiomatically avoiding contradiction?>

6.2.4 The grounds for appeal are limited to the following:

1. procedural unfairness
2. bias
3. irregularity in procedure
4. inappropriate or unfair expectation(s)

← we added this

“Procedural Unfairness” means that the method used to administer the academic process, e.g., an exam, was unreasonably and inherently stacked against any person attempting the process. Note: exams and their content, in and of themselves, are not procedurally unfair. Differences in how an exam is administered between the sub-disciplines in the Department also does not constitute unfairness, as long as the method is applied consistently within that sub-discipline.

“Bias” means that the process was conducted in such a way as to disadvantage the particular appellant, relative to other persons undertaking the same process.

“Irregularity in procedure” means that the process did not follow the procedures set in the regulations and guidelines governing the actions of the Department and its faculty.

“Inappropriate or unfair expectation” means that the deliverable of the process could not reasonably be expected of a person who undertakes assiduously, genuinely, and accurately the steps leading to completion of that process.

For all these grounds, the onus is on the appellant to prove, through factual documentation, that such conditions existed.

6.2.5 A written appeal must be submitted to the Chair of the Department of Oceanography within 30 days following the event or circumstances being appealed.

6.2.6 The appeal submission must include:

1. A description of the exact nature of the appeal, including a summary of events and chronology;
2. Specific details of the alleged unfairness, bias or irregularity, and any other relevant consideration or information; and
3. The requested resolution of the appeal, which is limited to a reasonable academic action(s).

6.2.7 The submission of an appeal will engender the following actions by the Chair of the Department:

1. The Chair will contact both the appellant and the person responsible for the process being appealed to see if an informal resolution is first possible, and
2. Failing an informal resolution, the Chair will constitute an Ad Hoc Appeal Panel for that specific appeal. The nature of and procedures for that Panel are detailed below in section 6.3.

6.2.7 Decisions of the Ad Hoc Appeal Panel are forwarded to the Chair, who will communicate the decision in writing to the appellant.

6.2.8 Decisions of the Ad Hoc Appeal Panel are subject to further appeal to the Faculty of Science (undergraduates) or the Faculty of Graduate Studies (graduate students), or Senate, as regulations in those administrative units specify.

6.3 The Ad Hoc Appeal Panel

6.3.1 Decisions on appeals are made by an Ad Hoc Appeal Panel.

6.3.2 The Panel does not have fixed membership. Instead, it will consist of three faculty members, chosen on a fixed rotating basis from all the faculty in the Department. The professor(s) responsible for the process being appealed will be excluded. For graduate students, the students supervisor or co-supervisors, or for undergraduates, the students honors supervisor will also be excluded from the list. <not all undergrads are in honours>

↑
(if applicable)

6.3.3 An appropriate graduate student (for undergraduate appeals) or Post-doctoral fellow (for graduate appeals) will constitute the fourth and final member of the Panel. Any student on the Panel will not have a personal or academic conflict of interest with respect to the appellant. For undergraduates, the student will be chosen from the graduate students. For graduate students, the student member will be chosen from the Post-doctoral Fellows, without conflict of interest.

6.3.4 The Panel will examine the appeal and determine if a *prima facie* case exists for the appeal. (*Prima facie* in this context means the appeal document contains sufficient evidence to support the stated claim.) If such a case exists, then the Panel will convene a formal Appeal Hearing at the first opportunity when all involved, i.e., appellant, the faculty member who owns the process, and the Panel members can meet to hear verbal arguments on the appeal, but preferably within three weeks of constitution of the Panel. If there is no *prima facie* case, the Panel will inform the Chair and the appeal will be dismissed at the Departmental level. <edit: italic for Latin>

5 6.3.6 If a Hearing is convened, the Panel will chose a Chair who will control and direct all communication. <part 5 is missing>

6 6.3.7 The Chair of the Panel will make the faculty owner of the process aware of the appeal and provide, in a timely manner, a copy of the appeal document to the process-owner (faculty member).

6.3.8 Before the Hearing, the **process** owner will provide **to** the Panel with a written rebuttal to the appeal within 5 working days of the appeal being received. (An exception will be made to accommodate persons at sea.) The Panel will forward that rebuttal to the appellant. <Is sea time the only exception? What about serious medical issues, etc? I imagine there is some standard wording for such things.>

Maybe put a tick if you agree?

△
△

~~6.3.8 The procedure for an Appeal Hearing is detailed in section 4 below. <duplicate heading>~~

6.4 The Appeal Hearing

6.4.1 The Hearing will adhere to the following steps:

1. The Chair of the Panel will direct the flow of the Hearing, making sure both parties are properly heard, and directing questioning;
2. The Chair of the Panel will first invite the appellant to present and explain their case; this will be followed by an invitation **for to** the faculty member owner for a rebuttal;
3. Neither the appellant nor the owner can ask questions during these presentations; however, any Panel member may interrupt the presentation to ask questions;
4. At the end of the presentations, the appellant will be invited to direct questions to the faculty owner for the purpose of seeking clarifications (only); after that is completed, the faculty owner will be invited to do the same; the Panel members may interrupt these questioning sessions at any time to ask their own questions; the Chair of the panel will ensure that this **questing questioning** remains civil and on topic;
5. At the end of the questioning, the Chair of the Panel will ask the appellant and faculty owner to leave and convene an **in-camera in-camera** discussion of the presentations and Appeal Document, the Panel will decide on the validity of the appeal and of requested resolution.

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6.4.2 The Chair of the Panel will communicate, in writing, the decision of the Panel within 3 working days (except if sea-time interferes). <see a previous note about sea time>

6.4.3 In an appeal process, the student has the right to representation. The student is required to inform the Chair of the Panel, in writing, if s/he will have a representative at the appeal, or **intends** to call witnesses. △
△

6.4.4 Witnesses may be called by either party, but only if those witnesses can testify about direct knowledge of the matter. No character or indirect testimony is permitted. The Panel Chair must be informed 72-hours before a Hearing if a witness(es) will be called, along with that person's identity and significance to the Hearing. The Chair of the Panel will then inform the other party of the witness(es).

6.4.5 No persons providing solely moral support can be present at a Hearing. A person providing aid to someone with a disability is permitted, which may include translation. Such a person cannot testify at a Hearing. <I'm confused on 'translation'. Does this mean e.g. someone who would sign, to aid someone with difficulty hearing? If it means translation for language, does this make sense? Isn't English the stated language of business at Dalhousie?>

6.5 Supplementary Points

6.5.1 The Ad Hoc Appeal Panel has no jurisdiction to hear student appeals on a matter involving a requested exemption from the application of Departmental, Faculty or University regulations or procedures, except when irregularities or unfairness in the application thereof is alleged. This means that only procedural issues, and not the merits of the regulations, are subject to appeal.

6.5.2 The Ad Hoc Appeal Panel may not render decisions counter to Departmental, Faculty or University regulations, nor can it make decisions that go beyond strictly academic matters, e.g., financial or administrative. If the requested resolution contains such points, these must be ignored and dismissed.

6.5.3 Matters involving allegations of "failure to supervise" by a graduate student will be referred directly to the Faculty of Graduate Studies for resolution.

6.6 Grade Reassessment (Re-grading)

<Earlier, it says we just follow university rules. It seems best to do that, rather than to write something here that could be wrong. I confess I don't really understand the system of the two levels. What I read here is consistent with what I've seen done in the past (e.g. I regraded an exam for Barry Ruddick's class, once).>

6.6.1 A request to re-grade a written exam or test follows the procedures set by the University's Registrar.

6.6.2 A grade cannot be both reassessed via the Registrar's Office and appealed to the Department, under the rules in this document. A student must choose one procedure or the other, as they are mutually exclusive. Under normal circumstances a student should ask for a re-grading, unless