It is intended that all informal means of resolving a difference of opinion be exhausted prior to formal procedures being initiated. Units are encouraged to develop informal mechanisms to mediate between disputing parties. Before initiating a formal appeal, the Department Head or Program Chair, by consulting appropriate University policies and/or the Faculty of Graduate Studies and Research, should ensure that academic appeal is the appropriate process.

It is the responsibility of all graduate programs to ensure there is an appeal process in place that follows the principles of fairness and natural justice. This process should provide that all parties involved have the right (a) to be heard (and to be heard in person when this is deemed appropriate), (b) to be made aware of any information that may adversely affect his or her case, and (c) to have the case judged by an unbiased decision-making body. The specific way the appeal process is set up is best left to individual programs, so long as the following apply:

1. To facilitate appeals of academic decisions other than grades, each department/academic unit should have a written internal appeals policy document available to students and graduate faculty. See note below regarding appeals of grades.
2. There must be a clear indication of the levels of appeal: under what circumstances and to whom the appeal should be made. In all cases, there should be no more than two levels of appeal within the program before the appeal comes to the Faculty of Graduate Studies and Research.
3. The process must conform to University regulations.
4. The process must ensure a timely decision of the appeal. The student must submit his or her appeal in writing (complete with all necessary documentation) within four weeks of the grade, requirement, etc. under appeal. The program has the responsibility to provide a written decision (including the reasons for making the decision) within four weeks of receiving the written appeal and complete documentation.
5. Final responsibility for decisions on appeals at the departmental or program level rests with the Department Head or Program Chair; however, he or she may delegate responsibility to the Graduate Chair or to a standing or ad hoc Appeals Committee. The composition and membership of such a committee should be specified in advance of the particular appeal. The size of the committee should be restricted to the number needed for a fair hearing (i.e., it is not appropriate for an appeals committee to consist of the entire graduate faculty). The committee should not include any member who might have a
conflict of interest (e.g., a thesis supervisor, etc.). The Appeals Committee should include at least one graduate student.

6. With the exception of the in camera deliberations of the Committee, the proceedings of an appeal hearing must be tape-recorded. All aspects of the proceedings must remain confidential. The audiotape constitutes official documentation of the appeal hearing and shall be kept secure and confidential by the Faculty of Graduate Studies and Research until such time as the issues under appeal have been resolved.

7. A student may be accompanied to a meeting or hearing by a colleague who is a graduate student of the same division. The colleague may offer advice and support to the student, but plays no official role in the proceedings; the colleague does not perform the role of advocate.

8. If the appellant is not satisfied with the departmental or program decision, an appeal can be made to the Dean of the Faculty of Graduate Studies and Research. The Appeals Guide for Students Making Appeals to the Faculty of Graduate Studies and Research should be consulted if this course of action is to be undertaken.

Important Note:
Formal Reassessment of Grades

The normal procedure for appealing a final grade is described in the University of Regina Graduate Studies Academic Calendar.

The Registrar's Office will forward the application to the Dean of FGSR, who will make arrangements for the reassessment. The reassessment is first made by the original instructor if available. If this does not result in a higher grade, a reassessment will be made by one or, if possible, two other instructors in the same discipline. The Dean, FGSR will advise the Registrar's Office of the result of the reassessment, and the Registrar's Office notifies the student. Reassessment will not lower the original grade.

http://www.uregina.ca/gradstudies/grad-calendar/grading-system.html#reassess
Students who wish to make an appeal to the Dean of Graduate Studies and Research must have already exhausted all the stages of appeal within their own program. In other words, they must seek relief first in their own academic unit; only then, if the appeal is denied, may an appeal be made to the Dean of Graduate Studies and Research.

The appeal is heard by the Dean of the Faculty of Graduate Studies and Research, or by an Appeals Hearing Committee appointed by the Dean. If a conflict-of-interest exists between the student and the Dean of Graduate Studies and Research, the appeal will be heard by an Appeals Hearing Committee appointed by the Vice-President (Research). Both parties and any designated colleague, associate, or advisor are invited to appear at the hearing. However, whether or not the parties are present, the hearing shall proceed at the specified time. Although Deans have the authority to hear appeals themselves, the Dean may call upon an Appeals Hearing Committee for advice. If the appeal is heard directly by the Dean of the Faculty of Graduate Studies and Research, the Dean will chair the meeting. If an Appeals Hearing Committee has been appointed by the Dean of the Faculty of Graduate Studies and Research, the Dean responsible for the faculty concerned or a designate will chair the hearing. If appointed, a Hearing Committee consists of four faculty members, chosen from the Faculty of Graduate Studies and Research no more than two of whom may be from the same program or department as the appealing student, and one graduate student not from the same program or department as the appealing student, chosen by the Graduate Students’ Association. If, for any reason, the Graduate Students’ Association cannot provide a representative, one may be appointed by the Dean of the Faculty of Graduate Studies and Research. It is the responsibility of the Hearing Committee members to listen with an open mind to the evidence presented by both parties to the appeal; members of the Hearing Committee should not think of themselves as representing any particular constituency.

After the hearing is completed, the Dean of the Faculty of Graduate Studies and Research will arrive at a decision, with this decision being conveyed to both the student and graduate program in writing. If the appeal was heard by a Hearing Committee, the five voting members of the committee (the Chair does not have a vote) make a recommendation on the disposition of the case to the Dean. A summary of the evidence heard by the Hearing Committee members, together with their recommendation, is reported to the Dean by the Chair of the Hearing Committee. These recommendations have the status of advice to the Dean, who, after taking any further investigative steps that he or she feels are necessary, makes the final decision. If the Dean decides to reject any or all of the recommendations made by the Hearing Committee, the Dean will provide reasons, in writing, for the rejection and for the decision ultimately made.
If the appellant is not satisfied with the Dean’s decision, he or she may appeal to the Council Committee on Student Appeals. The appeal should be made to the Council Committee on Student Appeals within four weeks of receiving the Dean’s decision. If the appellant is not satisfied with the decision of the Council Committee on Student Appeals, an appeal may be made to the Senate’s Appeal Committee. The Senate’s Appeal Committee is the final level of appeal.

**Fairness and Natural Justice**

Fairness and natural justice, as those terms are used in law, provide that a party whose rights are affected by a decision has a right to be heard and further that the party has a right to have his or her case decided by an unbiased decision-maker. In bringing a case before an appeals hearing, an appellant’s right to be heard consists of the right to present oral and written evidence, the right to cross-examine on evidence presented by other parties, and the right to make final submissions or argument.

**Confidentiality**

Both the documents and the proceedings of the hearing are confidential and should not be discussed outside the hearing itself. At the end of the hearing, copies of the documentation, including the audio-tape, will be left with the person chairing the hearing, who will ensure that they are given to the Faculty of Graduate Studies and Research. The documentation will be retained by the Faculty of Graduate Studies and Research in the event of a further appeal. Once all issues in the appeal have been resolved all documentation will be destroyed.

**Bias and conflict of interest**

The Dean’s role is to render a decision that is and will be perceived to have been, the result of a fair hearing of the case, considered with an open mind. However, there may be certain situations that give rise to reasonable apprehension of bias, including, but not limited to, financial relationships, close personal relationships, and involvement in the case at a prior stage. These situations may be applicable when a Hearing Committee hears the appeal and makes a recommendation to the Dean. Thus, a Hearing Committee member who thinks there could be a possible problem should declare the potential source of perceived bias or conflict of interest. Similarly, if the appellant thinks that a potential source of bias exists with one or more Hearing Committee members, he or she should draw attention to the problem as soon as he or she receives the documentation listing the members of the Hearing Committee. The appellant should not keep silent. When making a decision on the suitability of an individual to be a member of a Hearing Committee, the Chair will ask whether a reasonable outside person could consider a situation to exist that
would give rise to a reasonable apprehension of bias.

**Jurisdiction**

Before hearing an appeal, the Dean (or the Hearing Committee appointed by the Dean) must be satisfied that it has the authority, or jurisdiction, in accordance with the University’s rules, to decide the case. There are four aspects to jurisdiction that must be satisfied, as described below:

1. **Subject of the appeal**

An appeal to the Dean of the Faculty of Graduate Studies and Research must be a request for an exemption from a Senate regulation or a request that a ruling of a program instructor or administrator in an academic matter be overturned. Consultation with appropriate University policies, should be undertaken to ensure the appeal reflects an academic issue. The subject of an appeal may range from accuracy of grades on examinations or assignments, a waiver of progression requirement, or the appropriateness of sanctions imposed for a scholastic offense. An appeal can include questions of fairness or appropriateness of general grading practices and may be made whether or not a record exists of the student's work; but if an unsuccessful oral presentation is appealed, the only relief available is to allow the student to be reexamined. In making an appeal, the student should state the regulation(s) or ruling(s) that he or she is asking to be set aside and the compassionate grounds or extenuating circumstances that justify doing so. In the case of marks, the student should specify the particular grade(s) or ruling(s) that he or she is asking to be changed and the reasons for doing so.

2. **Grounds of the appeal must be appropriate**

Each graduate program has the right to set its own academic standards and its own marking or grading practices. The Graduate Calendar stipulates that graduate programs set progression requirements and assess student progress. However, the Dean or Hearing Committee has the jurisdiction to deal with allegations of gross unfairness, bias, or inaccuracy in these practices. The grounds of an appeal may include medical, compassionate, or extenuating circumstances as well as bias, inaccuracy or unfairness. A student suffering from an illness or accident that might impair his or her academic performance must arrange, as soon as possible after the event, for documentary evidence to be provided to the program concerned. Normally, medical evidence not provided at the time of the illness or accident will not be considered in support of a subsequent appeal. However if grounds can be demonstrated that the evidence was not previously available, due consideration may be provided. Newly introduced evidence should be given appropriate weight.
3. Relief requested must be specified

Students are encouraged to identify specific remedies in their appeal, for example, the changing of a grade or the overturning of a previous decision to require withdrawal from a program. However, a particular remedy may be sought at the Hearing only if it has already been asked for at a previous stage and been turned down. The Dean or Hearing Committee may suggest alternative remedies only under exceptional circumstances.

4. All prior remedies must have been exhausted; the appeal must be timely

The student must have exhausted all the appeal steps through the various stages within the program before the Dean of the Faculty of Graduate Studies and Research can consider the appeal. Any appeal to the Dean must be timely; it must be made as soon as possible but no later than six weeks from the date of the action or decision giving rise to the appeal.

Onus

The onus is on the student who is challenging a ruling to prove that the ruling is inappropriate. The only exception is in the case of an allegation of misconduct such as a scholastic offense, where the onus is on the program to show that the misconduct or breach of the code has occurred. The appellant must satisfy the Graduate Dean or the Hearing Committee that there exist sufficient medical or compassionate grounds or extenuating circumstances to warrant waiving a regulation or prior ruling. In the case of marks, the student must raise a reasonable doubt as to the accuracy or fairness of the grade or final standing in question before the Dean will institute procedures to secure an independent assessment. A grade cannot be changed unless such a change is recommended by an independent assessor in the discipline concerned.

Standard of proof

The standard of proof in University tribunals as in all civil cases is the “balance of probability,” not the standard required in criminal trials of “beyond a reasonable doubt.” “Balance of probability” means “more likely than not.” However, when the case calls into question the integrity of an individual, or the individual’s ability to complete a degree or obtain employment in the profession which he or she is pursuing, the standard of “a preponderance of evidence” is required.
Documentation

Parties to the appeal may submit documentation in support of their cases. Normally the documentation submitted to the hearing has already been considered at the previous stage within the program. In the event of new documentation not considered at the previous level of appeal, each party will be given an opportunity to review documents presented by the other. These documents will become evidence before the hearing unless one party objects. If one party withholds consent to a document’s becoming evidence, it may still become evidence provided that it is introduced before the Dean or Hearing Committee by a witness who can identify the veracity of the document (someone who will say, I wrote the letter, I received the memo, etc.). University documents, such as transcripts, Committee Decisions, Deans’ rulings, etc. are automatically evidence before the Dean or Hearing Committee. They need not be proven on consent by the parties or by witnesses. Except in unusual circumstances, documentation will consist of University documents or documents whose inclusion as part of the evidence has received the consent of the parties. These documents will be numbered sequentially as exhibits and distributed to the parties and to members of the committee in advance of the hearing. The proceedings of the appeals hearing must be documented via audiocassette recording.

Order of proceedings

Both parties to the appeal are invited to appear at the hearing, together with any witnesses whom they wish to call. The order of proceedings will be:

1. Consideration of jurisdiction issues by the Dean or the Hearing Committee in camera (i.e., privately with only the committee members present).

2. Introduction of the appeal hearing members (i.e., the Dean, Associate/Assistant Deans, and members of the Hearing Committee, if appointed), appellant, program representative, and witnesses. The witnesses are then asked to leave.

3. Review of the documentation.

4. The appellant's case
   Opening statement by the appellant, after which the representative of the program may cross-examine the appellant; next, appeal hearing members may question the appellant. This part of the hearing is followed by testimony from any witnesses the appellant wishes to call. For each witness, the following process takes place. First the appellant examines or questions the witness with a view to eliciting evidence in support of the case being made. The representative of the program concerned may then cross-examine the witness. Subsequently, appeal hearing members may examine the witness on any point of ambiguity and finally, if necessary, the appellant may re-examine the witness. It is important to note that this re-examination by the appellant is not an opportunity to have the witness go over his or her evidence again. Rather re-examination is strictly limited to...
clarifying points of ambiguity arising out of the earlier questions. Typically re-examination, if it is necessary at all, will be very brief. When the witness’s testimony and questions are complete, the witness leaves the hearing.

5. The program’s case
Opening statement by the representative, followed by testimony of any witnesses called. Following the process outlined above, the representative of the program will examine the witness; the appellant will then cross-examine; appeal hearing members may ask questions to clarify ambiguous points; and, finally, the representative of the program concerned may re-examine, if necessary.

6. Reply evidence of the appellant
This is a limited opportunity given to the appellant to call witnesses or to respond to a statement made by the representative of the program, in order to clarify a point. It is not an opportunity to introduce new points or new evidence. Witnesses, if any, called in reply are questioned according to the same process outlined above: examination by the appellant, cross-examination by the representative of the program, questions by the appeals hearing members, and, finally, re-examination by the appellant. When the witness’s testimony and questions are complete, the witness leaves the hearing.

7. Summary remarks by the program.

8. Summary remarks by the appellant.

9. In camera deliberations of the Committee

In a case involving a student accused of a scholastic offense, the program concerned must present it’s case first in order to ensure that the Dean or Hearing Committee members understand the nature and extent of the allegations against the student before hearing the student's case.

Decision

The Dean will provide, in writing to the appellant, with a copy to the program, the decision rendered on the appeal.

Further appeal

If the appellant is not satisfied with the Dean’s decision, he or she may appeal to the Council Committee on Student Appeals. This appeal must be made within four weeks of receiving the adverse decision. If the appellant is not satisfied with the decision of the Council Committee on Student Appeals, he or she may appeal to the Senate’s Appeal
Committee. This appeal must be made within four weeks of receiving the adverse decision from the Council Committee on Student Appeals. The Senate's Appeal Committee is the final level of appeal.
APPEALS GUIDE FOR STUDENTS

Summary and suggestions for students wishing to make an appeal

1. Ensure that you are familiar with the relevant regulations, policies, and procedures that apply to your case. Familiarize yourself with the general rules covering academic requirements, penalties and appeals procedures by consulting the appropriate documents (e.g., the University of Regina General Calendar, the University of Regina Graduate Studies Academic Calendar, The Rights and Responsibilities of Graduate Students, The Faculty of Graduate Studies and Research Appeals Guide). Consultation with the Graduate Students Association or the University’s Student Advocate may help clarify the relevant regulations, policies and procedures.

2. Prior to making a formal appeal, ensure that you have exhausted all informal means of resolving the difference of opinion.

3. Formal appeals, other than formal reassessments of grades, must first be submitted to the Department. If the Department’s resolution of the appeal is believed to be inappropriate or unjust, you may then submit an appeal to the Faculty of Graduate Studies and Research. Disagreement or dissatisfaction with the Department’s resolution is not sufficient grounds for appealing to the Faculty of Graduate Studies and Research; you must demonstrate that the decision was unfair or biased or otherwise deserving to be reversed.

4. If you decide to make an appeal within your program, make a full presentation at this stage of all the aspects of the case, all the evidence that you wish to have considered, the desired relief (e.g., grade change, reinstatement to program), and the grounds for that relief. If you decide later to appeal the program’s decision to the Faculty of Graduate Studies and Research, the grounds for your appeal, the relief requested, and the documentation submitted normally must be the same as that previously brought before the appeals committee within your program.

5. Your case will be stronger if supported with written documentation such as letters pertinent to your case, written to you or by you; evidence that a condition exists that is the basis for a claim on medical or compassionate grounds; and so on. Copies of all such documentation should be submitted with your appeal.

6. Make the strongest possible case for yourself and do not rely on any third party (e.g., professors, Department Heads, Deans) to make your case for you. The appeal process does not involve any independent fact-finding or investigation. The outcome of the appeal will depend solely on the evidence provided by the parties involved in the dispute.