

# **Graduate Academic Appeals Procedures**

## **I General**

1. Concordia University affirms the right of graduate students to appeal decisions that affect their standing in academic programs. It is assumed that initiating a formal appeal is a last recourse, taken when prior and sincere attempts to resolve problems and disagreements informally and directly have failed.
2. Programs are responsible for developing and applying guidelines to deal with such matters within the program prior to their being handled by the formal procedures of the Graduate Academic Appeals Tribunal (GAAT). It is assumed that all such problems are best resolved proactively through deliberate and good-willed efforts on the part of students, instructors, Graduate Program Directors, Chairs and Faculty Deans.
3. Students are advised to contact the Associate Dean of Student Affairs in the School of Graduate Studies for information concerning appeals and for assistance in seeking a solution through informal channels.
4. The appeals procedures apply to all academic decisions based on stated criteria in course and program descriptions and in University, Faculty, and School of Graduate Studies regulations governing graduate education. In the case of courses offered by another University, the relevant procedures of that institution shall apply.
5. An appellant may only seek to have an academic decision changed on the grounds that he or she has not been treated in a fair, equitable and impartial manner.
6. The academic appeals procedures shall not apply to academic re-evaluations; these are dealt with separately under the Academic Re-evaluation Procedures.
7. The academic appeals procedures shall not apply to the process of application for entry to programs.

## **II Definitions**

8. Appeal is defined as a written request by a student to have an academic decision, action and/or set of actions changed.
9. Appellant is defined as the student who is claiming unfairness, inequity or partiality with respect to a decision, action and/or set of actions affecting their academic standing.
10. Associate Dean is defined as the Associate Dean of Student Affairs in the School of Graduate Studies or any person appointed by the School of Graduate Studies to fulfill the role given to the Associate Dean in the Procedures.

11. Day is defined as a regular working day that the University is open. In the calculation of any delay set out in the Procedures, the months of July and August shall not be taken into account. In the case of an appeal submitted to the Graduate Academic Appeals Tribunal (GAAT) before July 1, the regular delays set out in these procedures shall normally apply.

12. Dean is defined as the Dean of Graduate Studies or any person appointed by the University to fulfill the role given to the Dean of Graduate Studies in the Procedures.

13. Respondent is defined as the individual or program associated with the decision, action and/or set of actions that the student is appealing.

14. Secretary is defined as the permanent Secretary of the Graduate Appeals Tribunals. The Secretary shall be responsible for the administrative functioning of the GAAT.

### **III Procedures**

15. Appeals must be made in writing to the Dean, and be signed and dated. The appellant must state the specific decision, action and/or set of actions being appealed, the grounds for the appeal, evidence in support of these grounds and the remedy sought. The appellant must also indicate what prior informal efforts have been made to secure the remedy.

16. The appeal will normally be lodged within thirty (30) days of the announcement of the decision or the occurrence of the action(s) being appealed.

17. Upon receipt of an appeal, the Dean shall forward the student's written appeal to the Secretary.

18. Once a matter has been referred to the Secretary, he or she shall convene a hearing to hear the matter. Thereafter, the Secretary shall be responsible for all communications with the parties.

19. All appeals shall be considered by the Graduate Academic Appeals Tribunal (GAAT). This is a standing committee established by the Council of the School of Graduate Studies in conformity with the Policy on the Establishment of Tribunal Hearing Pools (BD-6). The GAAT is composed of two (2) faculty members and one (1) graduate student, all chosen from the Tribunal Hearing Pool. Only those faculty members of the Tribunal Pool who have been elected by the Council of the School of Graduate Studies may sit on the GAAT. The student member of the GAAT must be a currently registered graduate student. Faculty members on the GAAT shall serve a two year term. Graduate students serve for a period of one year. The Chair of the GAAT is a non-voting member, appointed by Senate according to policy BD-6.

20. A hearing shall be convened as soon as possible and normally within fifteen (15) days. Once a hearing date is fixed by the Secretary, the appellant and respondent(s) will be notified and invited to submit any documentation they wish considered to the

Secretary no later than ten (10) days before the scheduled hearing date. Such documentation shall include any supporting documents and a list of the witnesses, if any, that will appear. The Secretary shall transmit the documentation, together with a list of the Panel members selected for the case, to the parties and to the members of the GAAT no later than five (5) days before the scheduled hearing date.

21. The GAAT may limit the number of witnesses called by both parties taking into account their relevancy to the subject-matter of the hearing.

22. The appellant and respondent(s) shall have the right to consult any member of the Concordia community in the preparation of his or her case. The appellant also has the option of obtaining a student advocate through the services of Advocacy and Support Services or the Graduate Student Association.

23. It is the responsibility of the appellants and the respondents to notify witnesses of the time and place of the hearing.

24. Either party may object to the participation of a member sitting on a GAAT hearing on the grounds of potential bias. A reasoned written objection shall be filed with the Secretary who shall arrange for an alternate Panel member to serve if he or she determines that the objection is well-founded. If the Secretary feels that the objection is frivolous and the matter cannot be resolved, the issue shall be forwarded to the Chair of the GAAT who shall render a final decision in this regard.

#### **IV Hearing**

25. In addition to the procedures set out in this document, the GAAT shall establish its own rules of procedure. Minimally, the appellant and the respondent(s) shall have the right to be present at the hearing of the appeal, to address the GAAT and to present and cross-examine witnesses. In addition, the GAAT shall be entitled to question all parties and witnesses. Each of the parties may be accompanied by an advisor from the University community who shall have the right to speak. Witnesses shall be present only during their testimony. Hearings shall be recorded and the recording kept as part of the permanent record of the proceedings for a period of not less than five (5) years.

26. Any party or witness participating in a hearing before a GAAT may make their presentation in either English or French.

27. If either party fails without a reasonable and timely excuse to attend the hearing, the GAAT shall proceed in their absence. This shall be noted in the final reasoned report of the GAAT.

28. The role of the Chair shall be to preside over the proceedings, keep order and ensure fairness. The Chair shall, as well, preside over the deliberations of the GAAT. The GAAT shall deliberate in camera. Its decision shall be made by majority vote. The Chair shall not vote.

29. The GAAT has the authority to uphold or reverse the decision being appealed. If it upholds the appeal, the GAAT may make recommendations regarding appropriate settlements and actions. The decision of the GAAT shall be final.

30. It is the responsibility of the Secretary to forward a full and reasoned report approved by the members of the GAAT to the student, the Dean of Graduate Studies, the Dean of the Faculty, Registrar, the Chair of the Department and the GPD within ten (10) days.

31. It is the responsibility of the Dean to monitor the implementation of settlements and actions arising from the GAAT decision.

## **V Miscellaneous Provisions**

### **Notices**

32. Any written notice addressed to a student under these Procedures shall be sent by either courier or by registered mail to the last address provided by the student to the University and shall be deemed to be received one (1) day after delivery.

### **Records and Confidentiality**

33. The confidential files and the recordings of the GAAT shall be maintained by the Secretary.

34. Such record shall be kept in the strictest confidence and shall only be communicated to the student concerned and to other persons in the University having a legitimate interest or duty to take communication of them.

35. Nothing contained in this section shall be interpreted as preventing the School of Graduate Studies or any other University member from responding to a court order requiring the disclosure of information or statements obtained during the application of the Graduate Academic Appeals Procedures.

### **Overall Responsibility for the Graduate Academic Appeals Procedures**

36. The overall responsibility for the implementation and recommended amendments to the Procedures shall rest with the School of Graduate Studies and the Secretary-General. At the beginning of each fall term, the Secretary-General shall transmit an information sheet to each of the faculty Deans, the Dean of Graduate Studies, all Chairs and GPDs providing a description of the Procedures.

Adopted by Senate on January 18, 2008.