
ANNUAL REPORT OF APPEALS AND COMPLIANCE OFFICER**2016 – 2017**

Scope

This report covers the period of July 1, 2016 to June 30, 2017. Some statistics for previous years are also included for comparison.

This report sets out information about discipline decisions and the appeal process under the Code of Student Behaviour (COSB) and the Code of Applicant Behaviour (COAB), with a focus on the university appeal level of the University Appeal Board (UAB). This report also sets out information for the two other university level appeal bodies, the General Faculties Council Academic Appeals Committee (GFC AAC) and the General Faculties Council Practice Review Board (GFC PRB).

Role of the Appeals Coordinator

As Appeals and Compliance Officer, I carry out the role of the Appeals Coordinator under the COSB, COAB, University of Alberta Academic Appeals Policy and University of Alberta Practicum Intervention Policy for the UAB, GFC AAC and GFC PRB. In this role I am neutral and do not advocate for either party in an appeal. I facilitate or administer the appeal process steps from the time an appeal is received, through the hearing and decision made by an appeal panel, to distribution of the written decision. I also provide procedural information to the parties to an appeal and to the appeal panel throughout the appeal process.

Apart from individual appeals, I oversee the university level appeal system to ensure that the university continues to implement a fair process by which to address appeals. This includes helping to educate panel members as to the framework within which they work when hearing appeals and helping the university community understand that framework.

University Level Appeal Process

The university level appeal system is made up of three appeal bodies – the UAB, the GFC AAC and the GFC PRB.

Discipline decisions arise as a result of a student being charged with an offence (academic and/or non-academic) under the COSB or COAB. When the appropriate decision-maker has made a final decision finding an offence and imposing a sanction, the parties to that decision have a final appeal to the UAB.

The UAB generally hears appeals from students charged under the COSB or COAB who disagree with the discipline decisions. UAB decisions are final and binding, within the university, subject to judicial review. Under the COSB the UAB has the broad authority to determine whether an offence was committed and to confirm, vary or quash sanctions imposed.

Under the Academic Appeals Policy, academic standing issues are heard by the GFC AAC. The GFC AAC hears appeals from students wishing to appeal faculty decisions on matters of academic standing, including matters such as a requirement to withdraw, denial of graduation or promotion. The GFC AAC hears appeals from students after they have exhausted all other avenues of appeal within a faculty. GFC AAC decisions are final and binding, within the university, subject to judicial review. The authority of the GFC AAC is to uphold (and award any remedy not contrary to faculty rules) or deny an appeal depending upon whether a miscarriage of justice, as defined by the Academic Appeals Policy, occurred within the faculty process.

Under the Practicum Intervention Policy, appeals concerning practicum interventions are heard by the GFC PRB. The GFC PRB's decisions are final and binding, within the university, subject to judicial review.

Principles of the Appeal Process

Appeals at the university level deal with complex issues affecting students, faculties and the university as a whole. Given this impact, and the fact that this final level of appeal is the last opportunity for issues to be heard within the university, it is very important that the appeal process is fair and perceived to be fair. Coming to decisions through a fair process also promotes confidence in those decisions by the parties and the appeal panels themselves. Being the final level of appeal, the decisions or process may also be subject to judicial scrutiny.

The authority of the appeal bodies (UAB/GFC AAC/GFC PRB) flows from the powers delegated under the *Post-Secondary Learning Act*. The appeal bodies carry out their authority as outlined in the applicable university appeal policy, in keeping with the principles of administrative fairness. The principles of administrative fairness are the basis for our appeals policies, help us to interpret those policies and provide the framework within which our appeal panels make decisions.

The formal steps of our appeals process recognize the impact and finality of these decisions and ensure the opportunity for parties to an appeal to make their best cases and be heard. Our appeals process is not a court process, but has been designed to allow for students and university decision-makers to be able to be heard by an objective panel coming from the university community. The system is flexible in that it is able to deal with a wide variety of appeals and circumstances (from students and university staff representing themselves or being helped by an advisor of their choosing) through consistently applying basic principles of administrative fairness. At its core, our appeals system involves the parties fully making their cases in writing and knowing the case of the other side before an appeal hearing takes place, then appearing at a hearing where they are able to present their arguments and information, subject to questioning, before an objective appeal panel. (The UAB process also allows for the option of a paper-only or documentary review hearing, rather than an in-person hearing, when only the severity of sanction,

and not the offence, is being appealed.) The appeal panel then considers and weighs all of the submissions of the parties and comes to a decision, which it fully explains to the parties in writing. If any process issues or requests arise before or during a hearing, the appeal panel chair (sometimes with the full appeal panel) decides how to fairly address the issues, keeping in mind the relevant appeals policy and the principles of administrative fairness, including the aim of providing both parties a fair opportunity to be heard.

Current Statistics

Looking at the attached statistics, this year saw a small decrease in the number of UAB appeals but a similar overall number of appeals received at the university level compared to the previous year. Compared to the previous year, 2016-2017 also saw a decrease in the number of discipline decisions made by Deans and Discipline Officers (381 this year versus 429 the previous year), with the majority of those decisions concerning the academic offences of plagiarism and cheating. Although not statistically tracked, a significant number of appeals are received from international students.

While the provided statistics include general outcomes of the appeals heard, caution should be used before taking any trends from these outcomes. The sample size is very small and each case was decided on its own unique merits, with the resulting statistics providing simply a snapshot of the outcomes for those particular cases heard and decided.

Appeal Panel Membership

The university level appeal panels are made up of volunteer panel members. While the exact makeup of a panel depends on the applicable appeal policy, generally the panels are a combination of undergraduate/graduate students and academic staff selected from the university's appeal panel membership lists. (Membership is determined by an application process and ultimately by approval of applicants by GFC.) Members serve on approximately six appeal panels within a calendar year, but this number varies depending on the number of appeals received and the faculties involved. Appeal panel members come from the greatest possible variety of faculties and the broadest possible representation of the university community. For objectivity, no appeal panel member may sit on an appeal involving a party from their faculty. Appeal hearings are scheduled throughout the academic year, including summer, mostly in evenings around academic schedules. Student panel members usually serve for terms of two years, while academic staff panel members usually serve for terms of three years (with the possibility of serving additional terms).

In addition to their understanding of the university environment from their experience as students (both undergraduate and graduate) and academic staff, our panel members are provided ongoing training in understanding the principles of administrative fairness within which their tribunals operate. This helps to ensure that, as discussed above, the appeal process is a fair one.

The service of appeal panel members is a significant commitment, including considering and addressing procedural issues arising before and during hearings, conducting hearings, deliberating and drafting written reasons for



decisions. All of our panel members recognize the need to objectively hear submissions from parties to an appeal, analyze and weigh evidence, then come to reasonable decisions based on that evidence. Part of my role is to ensure that appeal panels have all the needed resources to perform their role. I thank all of our appeal panel members for their commitment and service to our university community. Their work is a very important contribution to fostering and maintaining the values of the university, for all members of our community.

A handwritten signature in blue ink that reads "Michael Peterson".

Michael Peterson

Appeals and Compliance Officer

University Governance, University of Alberta

October 18, 2017

Attachments: Statistics for Discipline Decisions and the University Level Appeal Process

[Statistics based upon year of appeal deadline.]

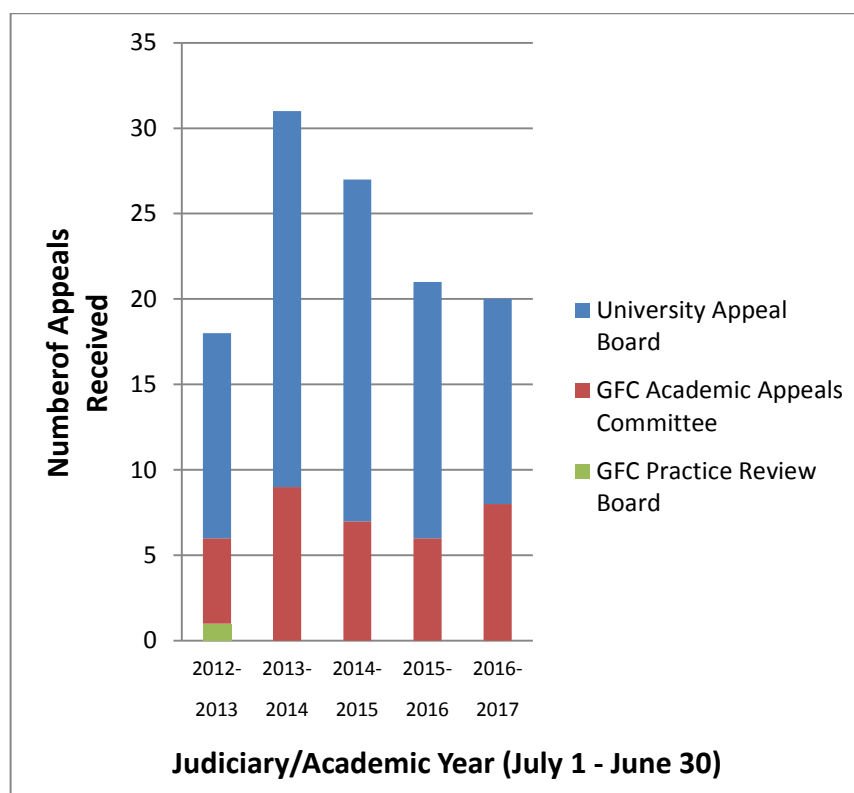
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Figure 1

Number of Appeals Received by University Governance

Judiciary/Academic Year (July 1 - June 30)	2012- 2013	2013- 2014	2014- 2015	2015- 2016	2016- 2017
University Appeal Board	12	22	20	15	12
GFC Academic Appeals Committee	5	9	7	6	8
GFC Practice Review Board	1	0	0	0	0
TOTAL NUMBER OF APPEALS	18	31	27	21	20



Notes:

- These numbers reflect the number of appeal cases.
- An appeal case can include more than one offence and a student can appeal the offence(s), severity of sanction(s), or both the offence(s) and severity of sanction(s).

Figure 2

**UAB Disposition of Appeals
July 1, 2016 to June 30, 2017**

Appeal Upheld	4
Appeal Denied	7
Appeal in Progress (Undetermined)	0
Appeal Withdrawn	1
Total Appeal Cases	12

Sanction Increased	0
Sanction Decreased	3
Sanction Timing Varied	1

- As students can be charged with and appeal more than one offence, and because appeals may concern the offence(s), severity of sanction(s), or both, the total number of appeal cases and how sanctions were addressed will not necessarily match.
- If sanctions were not increased/decreased/timing varied, the sanctions were confirmed and stayed the same; if the offence appeal was upheld, there were no sanctions.
- The Governance discipline database does not track the disposition of appeals by issue i.e. it cannot track disposition by the multiple issues of offence(s) and/or severity of sanction(s). If an appeal is upheld on any one issue, it is categorized as "Appeal Upheld". To provide the most accurate picture, I have calculated the disposition of appeals by issue as follows:

Issues of Appeal	Appeal Upheld	Appeal Denied
Offence(s)	1	6
Severity of Sanction(s)	4	6

Figure 3

**GFC AAC Disposition of Appeals
July 1, 2016 to June 30, 2017**

Appeal Upheld	1
Appeal Denied	5
Returned to Faculty	0
Taken Back by Faculty	1
Appeal Withdrawn	1
Appeal in Progress	0
Total Appeals	8

- “Returned to Faculty” means the GFC AAC decided at the appeal hearing to return the matter to the Faculty Academic Appeals Committee for re-hearing, based upon new evidence being introduced at the appeal hearing.
- “Taken Back by Faculty” means the student provided new information as part of the appeal and, before the GFC AAC hearing, the Faculty chose to reconsider the matter at the Faculty level.

Figure 4

**GFC PRB Disposition of Appeals
July 1, 2016 to June 30, 2017**

Appeal Upheld	0
Appeal Denied	0
Total Appeals	0

Figure 5

**Category of Sanction by Decision Maker Under COSB
July 1, 2016 to June 30, 2017**

Sanction Type Description	Count	Final Decision By
DO dismissed charges	1	Discipline Officer
Exclusion	3	Discipline Officer
Less Than Suspension or Expulsion	337	Dean
Less Than Suspension or Expulsion	18	Discipline Officer
Less Than Suspension or Expulsion	8	UAB
No Sanction Imposed by Dean	2	Dean
No Sanction Imposed by DO	1	Discipline Officer
Rescind Offer of Admission	1	Dean
Suspension or Expulsion	18	Discipline Officer
Suspension or Expulsion	1	UAB
UAB dismissed charge	1	UAB

Figure 6

**COSB Discipline Decisions
July 1, 2016 to June 30, 2017**

Charge/Offence Description	1	2	3	4	5	GS N/A	N/A	N/A Applicant
Cheating	41	45	23	15		1	9	
Misrepresentation of Facts	3	5				4	2	
Participation in an Offence	1	7	6	3			1	
Plagiarism	81	71	50	19		19	8	
Inappropriate Behaviour in Professional Programs				1				
Misuse of Confidential Materials			1	1				
Research and Scholarship Misconduct						2		
Breach of Rules External to the Code			1					
Damage to Property	1	1	1				1	
Disruption		1	3	1		1		
Dissemination of Malicious Material		1		2				
Unauthorized Use of Facilities, Equipment, Materials, Services or Resources	1		2			1		
Violations of Safety or Dignity	3	4	2	4		2	4	

- Columns 1 through 5 refer to year of program of student when offence occurred.
- GS N/A refers to graduate student not applicable (i.e. no program year).
- N/A students are students in Open Studies, Faculty of Extension, Visiting Students, Previous Students and Special Students.
- N/A applicant refers to students reapplying who have been charged with offence re application; do not have a year of program.
- A student can be charged with more than one offence, so charges and case numbers will differ.

Figure 7

**COAB Discipline Decisions
July 1, 2016 to June 30, 2017**

Charge Description	COAB Applicants
Misrepresentation of Facts	3

Figure 8

**Cases Reviewed by Deans, University of Alberta Protective Services,
Discipline Officers, Registrar, and the UAB Under COSB
July 1, 2016 – June 30, 2017**

Decision Maker	Forwarded By	Count
Dean	Not Applicable	340
Discipline Officer	Dean	19
	UAPS	22
UAB	Not Applicable	10

- In all cases where a sanction of suspension or expulsion has been recommended by a Dean the case goes to the Discipline Officer for review and adjudication.

Figure 9

**Cases Reviewed Under COAB
July 1, 2016 – June 30, 2017**

Decision Maker	Forwarded By	Count
Dean	Not Applicable	2
UAB		1

Figure 10

Charge Count by Category of Sanction and Decision Maker Under COSB
July 1, 2016 – June 30, 2017

Decision Maker	DO dismissed charges	Exclusion	Less Than Suspension or Expulsion	No Sanction Imposed by Dean	No Sanction Imposed by DO	Rescind Offer of Admission	Suspension or Expulsion	UAB dismissed charge
Agricultural, Life and Environmental Sciences			4					
Arts			108				9	1
Augustana			14					
Business			8					
Education			8					
Engineering			40	2			5	
Extension			49					
Graduate Studies and Research			6			1	3	
Law			1					
Medicine and Dentistry			5					
Nursing			4				1	
Pharmacy and Pharmaceutical Sciences							1	
Physical Education and Recreation			1					
Science	1		146				7	
UAPS		5	22		1		1	

Figure 11

Case Count by Category of Sanction and Decision Maker Under COSB
July 1, 2016 – June 30, 2017

Decision Maker	DO dismissed charges	Exclusion	Less Than Suspension or Expulsion	No Sanction Imposed by Dean	No Sanction Imposed by DO	Rescind Offer of Admission	Suspension or Expulsion	UAB dismissed charge
Agricultural, Life and Environmental Sciences			4					
Arts			95				6	1
Augustana			14					
Business			8					
Education			8					
Engineering			37	2			2	
Extension			45					
Graduate Studies and Research			6			1	3	
Law			1					
Medicine and Dentistry			5					
Nursing			4				1	
Pharmacy and Pharmaceutical Sciences							1	
Physical Education and Recreation			1					
Science	1		118				5	
UAPS		3	17		1		1	

Figure 12

**Charge Count by Category of Sanction and Decision Maker Under COAB
July 1, 2016 – June 30, 2017**

Decision Maker	COAB - Refuse Application up to 5 years	COAB - Reprimand
Graduate Studies and Research	1	1
UAB	1	

Figure 13

**Case Count by Category of Sanction and Decision Maker Under COAB
July 1, 2016 – June 30, 2017**

Decision Maker	COAB - Refuse Application up to 5 years	COAB - Reprimand
Graduate Studies and Research	1	1
UAB	1	