UNIVERSITY OF MANITOBA – COLLEGE OF DENTISTRY

PROCEDURES

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<td>Responsible Executive Officer:</td>
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Part I
Reason for Procedure

1.1 To set out Procedures secondary to the Policy entitled “Student Academic Appeals” in order to establish a process for appeals to be heard, and to provide guidance to the members of the Student Academic Appeals Committee, the student and the College/School representatives in relation to appeal hearings.

Part II
Procedural Content

General

2.1 Dental College Council, in approving these Procedures, wishes to impress upon the parties appearing before the Committee that the appeal hearing is intended to be a review of the facts which bear on the issues before the Committee. Questions by the Committee members to the Appellant and to the Respondent during the course of the appeal hearing should be expected. Nothing in these Procedures should be taken, however, as relieving the Appellant of the responsibility of making a submission and presenting evidence in support of his/her appeal.

2.2 Prior to submitting an appeal to the Committee the Appellant must have exhausted all procedures and appeal processes available to him/her at the Department/School/College level and/or the Registrar’s Office (grade appeal)

(a) Processes for the Appeal of Term Work

I Students desiring to discuss matters relating to marks assigned to term work should discuss the matter with the Course Coordinator/Instructor in the first instance.

II Appeals of marks for term work must be submitted in writing by the student to the appropriate Department Head/Director within 10 working days of receiving the mark. Form is available in the Dean’s/Directors Office and on the College of Dentistry website.

III Re-evaluation of term work will be done by an individual other than the original assessor, who is in a cognate area, and reviewed by the Department Head/Director.

IV The student will be notified of the result of the appeal in writing by the Department Head/Director within 10 working days of the formal appeal being lodged.
V The Department Head/Director will inform the Course Coordinator/Instructor of the outcome of the appeal.
VI Students may subsequently appeal to the Student Academic Appeals Committee.

(b) Processes for the Appeal of Final Grades
I If a student has good reason to believe a mistake has been made in the assessment of the original grade, an appeal of the assigned grade may be made. Application must be made to the Registrar’s Office in accordance with the regulations and deadlines to file an appeal as posted on the Registrar’s Office website. On payment of the prescribed fee, such appeals will be forwarded to the Head of the department in which the course is offered.
II Regardless of appeal, all grades of D or F shall be reassessed automatically by the College using the procedures described below, before the date of the appropriate (College of Dentistry or School of Dental Hygiene) Promotions Committee Meeting.
III Normally, the re-evaluation of a grade shall be undertaken by the course coordinator and instructor(s) responsible for the particular course in consultation with at least one other instructor – who shall, and as far as is possible, independently assess the final examination script and/or other relevant materials, in a blinded fashion. The other instructor(s) also shall determine if the material examined reflected course content, the examination was conducted fairly and the University and College of Dentistry examination regulations were followed. In the case of automatic reassessment of grades of D and F, a statement signed by the course coordinator and consulting instructor indicating that the reassessment was completed shall be filed in the office of the teaching unit until six months after expiration of the appeal period.
IV In the event that the appeal grade has been awarded on the basis of a final examination only, the entire final examination script will be re-read. Except as noted below, where the grade has been awarded on the basis of a final examination in combination with term work, the final examination script will be re-read and the term mark calculation reviewed. In the case of grades awarded solely on the basis of term work, the calculation only will be reviewed.
V An appealed mark assigned to term work or a final grade may not be lowered.
VI Final examination scripts are to be held by the teaching unit responsible for the course until six months after the expiration of the appeal period. In individual cases where appeals have been initiated, the holding period will be extended accordingly. Any projects of work submitted for marking and whose mark will comprise part of the final grade without the student being informed of the resulting mark on that particular item, shall be retained until expiration of the appeal period.
VII Teaching units shall be responsible for destroying examination scripts held by them in accordance with these procedures, ensuring in the process of confidentiality of the documents.
VIII Students whose grades are reassessed automatically or as the result of an appeal initiated through the Registrar’s Office may subsequently appeal to the Student Academic Appeals Committee.
Filling an Appeal with the Student Academic Appeals Committee

2.3 A Student may file an appeal, along with all relevant documentation, with the Dean of the College of Dentistry/Designate within 10 working days following notification of:
   (a) a decision by a Department Head/Director regarding an appeal of one or more marks assigned to term work;
   (b) a College Council decision of an academic nature that directly affects them; or
   (c) the outcome of an appeal of one or more final grades that was initiated through the Registrar’s Office.

2.4 If an Appellant files an appeal beyond the ten (10) working days period, the Appellant must provide written reasons for the delay. The Chair shall have the discretion to extend the deadline for filing an appeal if it is determined that there are special circumstances which justify or excuse the delay. The Chair’s decision is final and not appealable.

2.5 The Appellant must submit all documentation that will be relied on for the appeal and must include the following:
   (a) A completed and signed Student Appeals Form which is available at the Dean’s/Directors Office and on the College of Dentistry website;
   (b) A letter to the Chair clearly explaining the grounds for the appeal, with specific reference to section 2.3 of the Student Academic Appeals Policy;
   (c) A copy of the letter of decision from the last appeal level;
   (d) A copy of all documentation submitted to the last appeal level;
   (e) The remedy sought of the Committee; note that this should not differ from that requested at the last appeal level unless extraordinary circumstances are presented.
   (f) The names of any witnesses;
   (g) The name of any spokesperson

All submitted documents are considered confidential and will be subject to the provisions of The Freedom of Information and the Protection of Privacy Act and The Personal Health Information Act.

2.6 The Appellant shall have the right to be accompanied by a spokesperson:
   (a) This spokesperson/representative may be the Student Advocate or a fellow student, or other full-time member of the University community not receiving payment for appearing or, working for Legal Aid.
   (b) In addition, if the appellant wishes, one member of his or her immediate family, and/or lawyer, may be present, **but as observers who do not participate**.

2.7 The Dean/Designate shall forward copies of the written appeal to the Chair of the Student Academic Appeals Committee and the Head of the appropriate department/or the Director of the School of Dental Hygiene.

2.8 The Chair of the Student Academic Appeals Committee shall inform the members of the Committee of the nature of the appeal, call a meeting to determine jurisdiction; whether the Appellant has standing, whether there are sufficient grounds for the appeal; and to hear the appeal. The Chair, at his/her discretion, may invite the parties to make submissions on the question of jurisdiction or standing. The Chair shall direct the Committee that, in its consideration, the benefit of the doubt will always be given to the Appellant.
2.9 If the Committee determines that there is no jurisdiction to hear the appeal, and/or the Appellant has no standing, and/or there are insufficient grounds to consider an appeal, the appeal will be deemed dismissed and the Chair will inform the Appellant and the Dean by letter.

2.10 If the Committee determines that there is jurisdiction to hear the appeal, the Appellant has standing, and there are sufficient grounds, the Chair Shall:
   (a) inform the Appellant in writing of the date and reason for the hearing;
   (b) inform the Appellant of Committee Membership, along with a deadline to submit concerns regarding perceived conflicts;
   (c) inform the Dean/Designate of the date of the hearing;
   (d) Notify the appropriate College Council members involved, herein named the “Respondent”, of the date of the appeal hearing.
   (e) Request that the Respondent provide a written response to the appeal. At least three (3) working days must be allowed in which to provide this written response back to the Chair.

2.11 If a Respondent requests an extension beyond the three (3) days, they must provide written reasons for the delay. The Chair shall have the discretion to extend the deadline for filing a response if it is determined that there are special circumstances which justify or excuse the delay. The Chair’s decision is final and not appealable.

2.12 The Respondent must submit all documents that will be relied on for the appeal and must include the following:
   (a) A letter to the Chair clearly outlining the response to the appeal;
   (b) information on witnesses/members of the College/School who will accompany and assist the Respondent at the hearing.

All submitted documents are considered confidential and will be subject to the provisions of The Freedom of Information and the Protection of Privacy Act and The Personal Health Information Act.

2.13 The Chair shall provide the Appellant with copies of the written response by the Respondent prior to the date of the hearing.

2.14 Appellants must provide a written response addressing any perceived conflicts with Committee Membership, stating reasons, prior to the deadline established by the Chair.

2.15 All members of the Student Academic Appeals Committee will be provided with the Student Academic Appeals Policy and Procedures documents as well as the “Manual for Student Appeals Committees”.

2.16 In the cases of absence of members or possible conflicts of interest relative to any members of the Student Academic Appeals Committee, the Chair shall appoint an alternate for the duration of the appeal (see section 2.3 of the Student Academic Appeals Policy).

2.17 In the event that the Chair appoints an alternate to the committee it should be assured that the resultant committee composition does not give rise to perceived gender bias and follows, where possible, the membership composition (section 2.3 Student Academic Appeals Policy).

2.18 All appeal hearings shall be held in closed sessions. No taping or recording of the proceedings will be allowed.

2.19 Each Appellant and each Respondent shall have the right to appear and have standing before the Committee.
2.20 The Committee may request the Appellant or any other party to appear and/or provide information.

2.21 The parts of the meetings required for deliberation shall be held in camera.

2.22 The Committee shall be prepared to meet as quickly as reasonable in those cases that require prompt action and, in general, shall attempt to handle all appeals with due dispatch.

2.23 If quorum is compromised on the day of the appeal hearing, the Chair will offer both the Appellant and the Respondent the opportunity either to waive quorum and continue with the hearing or have it rescheduled as soon as possible. The appeal hearing will be rescheduled if either party so requests.

2.24 The evidence before the Committee will be weighed on the balance of probabilities.

2.25 The determination of all matters before the Committee will be decided by a simple majority.

2.26 The Chair will vote only in the event of a tie.

2.27 A staff member from the Dean’s Office, College of Dentistry will serve as a resource person and recording secretary for the meetings and appeal hearings. The recording secretary shall not have a vote.

2.28 The Appellant may withdraw his/her appeal by informing the Chair of the Student Academic Appeals Committee in writing prior to the start of the scheduled appeal hearing.

2.29 An Appellant who fails to attend, in person, a scheduled appeal hearing may have the appeal considered on the basis of the Appellant’s written submission, the presentation of the Appellant’s representative, if any, and the verbal and written submissions made by the Respondent.

2.30 After the Committee reaches a decision; the Chair will then inform the Appellant, the Respondent and the Dean/Designate of its decision. The Dean/Designate will inform the appropriate Department Head/Director of the decision.

2.31 The decision of the Committee in respect of each appeal shall be binding on the College Council and involved Department/School.

2.32 If the Student Academic Appeals Committee denies an appeal, a student may appeal to the Senate Appeals Committee.

2.33 All files on completed cases shall be kept in the Dean’s Office and shall remain confidential.

At the Appeal Hearing:

2.34 The Chair will invite both parties to enter the hearing room and announce the appeal hearing is to be in closed session and that taping/recording of the proceedings is not allowed.

2.35 The Chair shall introduce all parties and outline the appeal hearing process, including the identification of all individuals with standing. The Chair shall ask both parties if they have any questions about the process involved in the appeal hearing and/or the guidelines under which the Committee operates. The Chair shall also confirm that all matters of conflict of interest
regarding Committee Membership have been addressed and that both parties have no further concerns regarding these matters.

2.36 During the appeal hearing, the Chair:
(a) may limit oral evidence or oral submissions based on relevance, repetition or privacy;
(b) will not normally permit evidence from witnesses;
(c) determines all questions on admissibility of evidence and the appeal hearing process;
(d) may allow the submission of new information by the Appellant or the Respondent only with the consent of the opposing party;
(e) may seek legal advice. However, the Committee will consider all matters relating to the interpretation of Senate, College/School/Department governing documents.

2.37 The appeal hearing must recess if any Committee member or individual with standing leaves the room temporarily. Either party may request a recess at any point in the appeal hearing. Such a request shall not be unreasonably denied.

2.38 The Committee may, on its own initiative, decide to call, during the appeal hearing, additional resource individuals for further clarification on any issue raised in the appeal.

2.39 The appeal hearing shall proceed as follows:
(a) the Chair shall ask the Appellant, or his/her spokesperson, if any, to make an oral statement to the Committee. If the Appellant wishes to make such a statement it may be used to summarize, elaborate upon, or explain the Appellant’s written submission;
(b) the Chair shall invite members of the Committee to ask questions arising from the Appellant’s oral statement and submitted documentation. Cross examination will not be permitted. The Respondent is allowed to ask questions for clarification pertaining to the statement through the Chair;
(c) the Chair shall ask the Respondent, or his/her spokesperson, if any, to make an oral statement summarizing or elaborating his/her response;
(d) the Chair shall invite members of the Committee to ask questions arising from the Respondent’s oral statement and submitted documentation. Cross examination will not be permitted. The Appellant is allowed to ask questions for clarification pertaining to the statement through the Chair;
(e) after both parties have presented their statements, Committee members may ask further questions of either party seeking clarification or additional information;
(f) when the Committee is satisfied that it has acquired all of the necessary information, the Chair shall ask each party to make a closing statement;
(g) after both parties have presented their closing statements, the Chair shall temporarily dismiss both parties, and the Committee shall commence its deliberations, in camera;
(h) once the Committee enters its deliberations, it shall be polled by the Chair to determine if they have sufficient information to arrive at a decision or if additional information is required;
(i) if the Committee determines that it has received all of the necessary information to come to a decision, the Chair shall release both parties;
(j) if the Committee determines that more information is required, the Chair will recall the parties into the hearing room. Normally, the Committee will receive the additional information through further questions posed to either the Appellant or the Respondent. However, if more detailed information is required, the Committee may reconvene at a later date at which time both parties have the right to be present;
(k) the Committee shall complete its deliberations and voting in camera.
2.40 The Chair of the Committee shall, after a decision has been made, report the results of that decision in writing to the Appellant and the Respondent, and/or their spokespersons, if any. The letter shall include either:

(a) that there is no jurisdiction to hear the appeal, the Appellant has no standing, and/or that there are insufficient grounds to proceed to an appeal hearing; or

(b) a brief summary of the following:

(i) the facts of the appeal;

(ii) the issues of the appeal; and

(iii) brief reasons for the decision of the Committee with specific reference to section 2.3 of the Student Academic Appeals Policy.

2.41 All members of the Committee will keep all materials and information used for the appeal in strict confidence and, following the appeal hearing, surrender such materials to the recording secretary who will arrange to have the materials destroyed in a confidential manner.

Part III
Accountability

3.1 The Dean of the College of Dentistry is responsible for advising the Chair of the Student Academic Appeals Committee that a formal review of this Policy is required.

3.2 The Dean or Designate is responsible for the implementation, administration and review of this policy.

3.3 Dental College Council, Academic Staff and Students are responsible for complying with this Procedure.

Part IV
Review

4.1 Governing Document reviews shall be conducted every five (5) years. The next scheduled review date for this Procedure is January, 2021.

4.2 In the interim, this Procedure may be revised or repealed if:

(a) Senate or Approving Body deem necessary or desirable to do so; or

(b) The Parent Policy is revised or repealed.

Part V
Effect on Previous Statements

5.1 This Procedure supersedes all of the following:

(a) Student Appeals Committee (approved October 5, 1981; Revised March 28, 1994); and

(b) all previous Administration Governing Documents on the subject matter contained herein.

Part VI
Cross References

6.1 This Procedure should be cross referenced to the following relevant Governing Documents, legislation and/or forms:

(a) Student Academic Appeals Policy