

Policy & Procedure


**UNIVERSITY
OF MANITOBA**

Rady Faculty of
Health Sciences

Policy Name:	Interdisciplinary Health Program Policy on Academic Appeals This Policy Includes: 1. Terms of Reference for IHP Academic Appeals Committee 2. Procedures for Appealing HEAL Courses
Application/ Scope:	HEAL courses in the Interdisciplinary Health Program and the academic regulations relating to the Interdisciplinary Health Program.
Approved (Date):	By: Interdisciplinary Health Program Council – November 21, 2017 By: Rady Faculty of Health Sciences' Faculty Council – November 28, 2017
Review Date:	10 years from approval date – November, 2027
Revised (Date):	
Approved By:	Interdisciplinary Health Program Council Faculty Executive Council (or Faculty Council), Rady Faculty of Health Sciences

1. BACKGROUND

- 1.1 The Interdisciplinary Health Program (“IHP”) offers two separate degree programs: a Bachelor of Health Studies (B.HSt.) and a Bachelor of Health Sciences (B. HSc.).
- 1.2 The IHP is administered by the Rady Faculty of Health Sciences.
- 1.3 The academic curriculum for the IHP degree programs consists of courses offered by the Rady Faculty of Health Sciences (including HEAL courses) and courses offered by other Faculties.

2. PURPOSE

- 2.1 The purpose of this Policy is to clarify the academic appeals processes applicable to the HEAL courses and the academic regulations relating to the Interdisciplinary Health Program.

3. POLICY STATEMENTS

Exclusions

3.1 This Policy does not apply to appeals of non-academic related matters, which are addressed by separate policies and procedures.

Academic Appeals

3.2 Academic appeals for HEAL courses and appeals of the academic regulations relating to the Interdisciplinary Health Program are to be addressed in accordance with this Policy. Academic appeals of other IHP courses are to be made to the Faculty or College offering the course.

4. ACADEMIC APPEAL OF HEAL COURSE

4.1 **Right of Appeal:** Any student with a concern relating to his/her academic standing in a HEAL course or the academic regulations relating to the Interdisciplinary Health Program (i.e., the “**Appellant**”), who has pursued his/her concerns with:

- a) the relevant HEAL course instructor; and
- b) the IHP Director; and/or
- c) has completed the formal grade appeal process facilitated through the Registrar’s Office

and is unaccepting of the result, may further pursue their academic appeal (i.e., an “**Appeal**”) in accordance with this Policy.

4.2 **Grounds of Appeal:** The Appeal must be based on one of the following grounds:

- a) An assertion that the IHP Director has failed to follow applicable legislation, policies and/or procedures, including the University Academic Calendar and the rules of fairness in decision-making, and/or
- b) An assertion that the IHP Director has failed to reasonably consider all factors relevant to the decision being appealed.

5. HEAL COURSE ACADEMIC APPEALS COMMITTEE, PANELS AND TERMS OF REFERENCE

HEAL Course Academic Appeals Committee

5.1 **HEAL Course Academic Appeals Committee (“Committee”):** In accordance with the IHP Council By-law, which states that the IHP Council may appoint such committees as it may deem necessary and confer on them the power and authority to act for it with respect to matters as it deems expedient, the Committee is established for the following purposes:

- (a) To consider, hear and determine Appeals;
- (b) To periodically review this Policy and, if necessary, recommend changes to the IHP Council;
- (c) To prepare and submit an annual report for presentation to the IHP Council (including the number and types of Appeals heard, without compromising confidentiality).

- 5.2 **Committee Membership:** The IHP Council members shall act as the Committee members, which members may be called upon to act as appeals panels (“**Appeals Panels**”) for the purposes of considering Appeals. The Chair of IHP Council shall act as Chair of the Committee.
- 5.3 **Term of Office:** The Committee members shall retain their Committee appointment so long as they sit as IHP Council members.
- 5.4 **Diversity of Membership:** The University strives to achieve diverse membership on its committees that is reflective of its commitment to diversity and inclusion and this should be a consideration in the appointment of Committee Members.
- 5.5 **Annual Report:** The Committee shall bring an annual report to the IHP Council to be discussed, to review this Policy, and to discuss any recommended revisions.

Appeals Panel

- 5.6 **Appeals Panel membership & quorum:** The Committee Chair shall appoint three (3) members of the Committee to sit as an Appeals Panel for the purpose of considering an Appeal, ensuring at least one (1) faculty member is present and one (1) student representative is present. The Committee Chair shall appoint the Appeals Panel Chair from these three (3) members, who must be a faculty member. All three (3) appointed Committee of an Appeals Panel must be present to constitute a quorum and to consider and hear the appeal for which they are appointed.
- 5.7 **Meetings/Hearings:** The Appeals Panel shall meet at the call of the Appeals Panel Chair to consider and hear an Appeal. All meetings and hearings are closed, unless otherwise mutually agreed upon, with the consent of the Appeals Panel Chair.
- 5.8 **Voting:** Matters before the Appeals Panel shall be voted upon, if consensus cannot be reached.
- 5.9 **Consultation:** The Appeals Panel may call upon various resources as it deems necessary to resolve any matter before it, including without limitation, consultation with University legal counsel. However, the Appeals Panel will make its own determinations on matters relating to the interpretation of applicable governing documents.
- 5.10 **Confidentiality:** All Appeals Panel members, and individuals present at an Appeal hearing or meeting (including resource persons and administrative support persons in attendance) or otherwise privy to Appeal information, both written and verbal, are required to protect and keep confidential Appeal information received, unless such information is otherwise approved for distribution by the Appeals Panel in accordance with applicable laws.
- 5.11 **Avoidance of Conflicts of Interest:** Committee members must inform the Chair prior to being appointed to an Appeals Panel whether they have a conflict of interest or potential conflict of interest regarding an Appeal for which an Appeals Panel is required. If the conflicts of interest concern does not arise until after their appointment to the Appeals Panel, the concern must be raised with the Appeals Panel Chair or Committee Chair. In order to resolve the conflicts of interest concern, the Committee member may be excused from participating on that particular Appeals Panel and replaced with another Committee member.

- 5.12 **Minutes:** Minutes are to be taken of business occurring during Appeal meetings and Appeal hearings (except during private, “*in camera*” deliberations) and are to be treated as confidential. Minutes taken during an Appeal hearing shall form part of the official record of the Appeal.
- 5.13 **Due Dispatch:** The Appeals Panel shall endeavor to ensure that all Appeals are addressed with due dispatch.
- 5.14 **Administrative Support:** The Appeals Panel shall receive administrative support from the IHP Coordinator. Such administrative support shall include:
- i. Providing an acknowledgment of receipt of Appeal documentation;
 - ii. Providing Appeal documentation received to the Committee Chair and/or Appeals Panel Chair;
 - iii. Requesting and collecting information requested by the Appeals Panel Chair (for e.g., missing information from Appellant, or requesting the response from the IHP Director (the “**Respondent**”));
 - iv. Assisting the Appeals Panel Chair with facilitating Appeal meetings and Appeal hearings;
 - v. Preparation and distribution of Appeal meeting and Appeal hearing materials;
 - vi. Minute-taking of Appeal meetings and Appeal hearings; and
 - vii. Maintaining Appeal records, including ensuring that copies of Appeal documentation shared with Appeals Panel members is confidentially destroyed following an Appeal.
- 5.15 **Appeal Documents:** All Appeal documentation is 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*. Files of completed cases will be retained by the IHP Coordinator’s office in accordance with its records retention schedules, as may be amended from time to time.
- 5.16 **Appeals Panel Dissolved:** An Appeals Panel shall be considered dissolved after the Appeal for which it was appointed is completed.

6. APPEAL PROCEDURES

Filing an Appeal

- 6.1 **General:** Nothing in these Procedures should be interpreted as relieving the Appellant of the responsibility for making submissions and presenting evidence in support of his/her Appeal.
- 6.2 **Appellant Assistance:** It is recommended that the Appellant contact the University’s Office of Student Advocacy for assistance as soon as possible prior to filing an Appeal.
- 6.3 **Appeal Submission Deadline:** An Appellant must submit his/her Appeal in writing to the attention of the Committee Chair, care of the IHP Coordinator, within twenty

(20) working days from the date of the final decision from the IHP Director. The Appellant is advised to confirm the receipt of his/her Appeal if he/she does not receive an acknowledgement of receipt within five (5) working days from the IHP Coordinator.

- 6.4 **Appeals Panel:** Upon receipt of the Appeal, the Committee Chair will convene an Appeals Panel in accordance with section 5.6, and appoint the Appeals Panel Chair.
- 6.5 **Appeals Submitted Past the Deadline:** If the Appellant files an Appeal beyond the deadline, the Appellant must provide written reasons for the delay. The Appeals Panel Chair shall have the discretion to extend the deadline for filing the Appeal if it is determined that there are special circumstances that justify or excuse the delay. The Appeals Panel Chair's decision in this regard is final and not appealable.
- 6.6 **Required Information from Appellant:** The Appellant must submit all documentation that he/she intends on relying on for the Appeal and must include the following:
- (a) A completed and signed Appeal Form, as may be prescribed for use from time to time by the Committee and made available on the IHP website;
 - (b) A letter clearly explaining the decision being appealed (including supporting background detail and documentation, such as the letter of decision from the last appeal level);
 - (c) The remedy sought from the Appeals Panel (this should not be different from that requested previously);
 - (d) The Appellant's name, contact information (including email address) and University student number. It is the Appellant's responsibility to inform the IHP Coordinator immediately of any change to his/her contact information. If reasonable attempts to contact the Appellant are unsuccessful, notice will be given by the IHP Coordinator by registered mail that, unless contact is made by the Appellant within thirty (30) days of the date of the notice, the Appeal will be deemed abandoned and the file closed.
 - (e) The names and positions of any witnesses, recognizing that the Appeals Panel Chair may limit or disallow their submission of evidence.
 - (f) The name of one (1) person that may accompany and support the Appellant for the purposes of the Appeal hearing. This person may be a support person (e.g., friend or family member), legal counsel or a student advocate. It is the Appellant's responsibility to determine the adequacy of their support in this regard. The Appellant must still present his or her own Appeal. The support person, legal counsel or student advocate has no standing to speak for or on behalf of the Appellant at this level of appeal hearing; he/she may attend the hearing only as an observer. This also applies to legal counsel of the Respondent.

Consideration of Appeal Documentation

- 6.7 **Receipt and Review:** The Appeals Panel Chair will ensure that receipt of the Appeal is acknowledged to the Appellant and will consider whether the Appeal will be heard. If the Appeals Panel Chair has any concern as to whether the Appeal

should be heard (for example, due to concerns over jurisdiction, or grounds of Appeal), a meeting of the Appeals Panel, either in person or by email, must be convened to consider the matter. The benefit of the doubt in terms of proceeding to an Appeal hearing will be resolved in favour of the Appellant.

- 6.8 **Hearing:** If the Appeals Panel Chair determines that the Appeals Panel has jurisdiction to hear the Appeal and there are sufficient grounds, the Appeal process shall continue to a hearing. The same Appeals Panel members that may have considered the Appeal in terms of proceeding to hearing should also hear the Appeal.
- 6.9 **No Hearing:** If the Appeals Panel determines that there is no jurisdiction to hear the Appeal and/or there are insufficient grounds to consider the Appeal, the matter shall be considered closed and the Appeal will be deemed dismissed. The Appeals Panel Chair will inform the Appellant and Respondent of the Appeals Panel's decision by letter. The letter shall also advise the Appellant of his/her right to appeal to the University Senate level, in accordance with the University policy, "Senate Committee on Appeals."

Response Requirements for Hearing

- 6.10 **Request for Response by Respondent:** The Appeals Panel Chair shall inform in writing the Respondent (the IHP Director) when an appeal is proceeding to a hearing, and request a written response to the Appeal, within ten (10) working days, or until such time as the Chair may allow if a written request for an extension is made by the Respondent prior to the deadline. The Chair's decision as to whether to allow an extension is not appealable. The Appellant's appeal documentation shall be provided to aid in the preparation of the response. If the deadline is not met, the Appeal will proceed without the Respondent's written submission.
- 6.11 **Respondent's Response Requirements:** The Respondent's response must include the following information:
- (a) A letter to the Appeals Panel clearly outlining the response to the Appeal;
 - (b) All documentation relevant to the issuance of the decision being appealed (unless already submitted by the Appellant);
 - (c) The name(s) of the University representative(s) who will present at the Appeal hearing as the Respondent;
 - (d) The names and positions of any witnesses, recognizing that the Appeals Panel Chair may limit or disallow their submission of evidence.

Hearing Coordination

- 6.12 **Notification of Appeal Hearing Time and Date:** The Appeals Panel Chair (with or through administrative assistance) will:
- (a) Canvass the Appellant and Respondent (the "**Parties**") and the Appeals Panel members for a mutually agreeable time and date for the Appeal hearing to occur;
 - (b) Secure a suitable location for the Appeal hearing to occur;
 - (c) Notify the Parties and Appeals Panel members of the Appeal hearing time, date and location;

(d) Distribute a package containing the following at least five (5) days prior to the Appeal hearing, to the Parties and Appeals Panel members (unless a shorter time period is mutually agreed upon by the Parties and Appeals Panel members);

i. The Appellant's Appeal documentation;

ii. The Respondent's response documentation; and

iii. The names of the Appeals Panel Members who will hear the Appeal.

6.13 **Additional documentation:** Any additional documentation submitted by either the Appellant or Respondent outside of the timelines provided for in these Procedures shall only be allowed at the discretion of the Appeals Panel Chair. The Chair's decision in this regard is not appealable.

At the Appeal Hearing

6.14 **Standing:** Appeals Panel members and the Parties have standing to speak during the Appeal hearing. Support person and legal counsel may only attend as observers and may not speak for or on behalf of either Party. The Appellant must present his or her own Appeal.

6.15 **Attendance at Hearing:** The Parties have the right to not appear in person at the Appeal hearing and request that the Appeals Panel consider the Appeal based on the merits of their written submissions alone.

6.16 **Commencement:** At the beginning of the hearing, the Appeals Panel Chair shall:

(a) Call the hearing to order;

(b) Introduce the Parties, identify their standing, and identify those who may be in attendance as support persons, advocates, legal counsel or witnesses;

(c) Outline the procedural order for the hearing;

(d) Confirm that minutes are being taken by administrative support;

(e) Confirm that all matters relating to the Appeal must be kept confidential;

(f) Ask the Appellant and Respondent whether they:

i. Have any questions relating to the Appeal hearing or applicable governing documents;

ii. Have any concerns in relation to conflicts of interest regarding any Appeals Panel member present. If any such concerns are raised, they shall be addressed by the Appeals Panel Chair in consultation with the Appeals Panel; however, the Appeals Panel member affected shall not have a vote on the matter.

6.17 **Appeals Panel Chair's Discretion During Hearing:** During the Appeal hearing, the Appeals Panel Chair:

(a) May limit oral evidence or oral submissions based on relevance, repetition

or privacy;

- (b) May limit or refuse evidence from witnesses and may preclude their attendance during the hearing except for the portion during which they may be permitted to present evidence;
- (c) Determines all questions on admissibility of evidence and the procedural order for the hearing;
- (d) May allow the submission of new information by the Appellant or the Respondent only with the consent of the opposing Party.

6.18 **Recess:** Either Party may request a brief recess from the Appeals Panel Chair at any point in the Appeal hearing, which shall not be unreasonably denied. Further, the Appeal hearing must recess if any Appeals Panel Member or Party leaves the room temporarily.

Procedural Order for the Appeal Hearing:

6.19 The Appeal hearing shall proceed as follows:

- (a) **Appellant's Statement:** The Appeals Panel Chair shall ask the Appellant to make an oral statement to the Appeals Panel summarizing, elaborating upon, or explaining his or her submitted Appeal documentation;
- (b) **Questions from the Appeals Panel and Respondent:** The Appeals Panel Chair shall invite Appeals Panel members to ask questions arising from the Appellant's oral statement and submitted documentation. The Respondent shall then be allowed to ask questions of the Appellant, through the Appeals Panel Chair, for clarification purposes. Cross-examination is not permitted.
- (c) **Respondent's Statement:** The Appeals Panel Chair shall ask the Respondent to make an oral statement to the Appeals Panel summarizing, elaborating upon, or explaining his or her written response;
- (d) **Questions from Appeals Panel and Appellant:** The Appeals Panel Chair shall invite Appeals Panel members to ask questions arising from the Respondent's oral statement and submitted documentation. The Appellant shall then be allowed to ask questions of the Respondent, through the Appeals Panel Chair, for clarification purposes. Cross-examination is not permitted.
- (e) **Further Appeals Panel Questions:** After both Parties have presented their statements, the Appeals Panel members may ask further questions of either Party to seek clarification or additional information.
- (f) **Closing Statements:** After the Appeals Panel Members have indicated to the Appeals Panel Chair that they have no further questions, the Appeals Panel Chair shall offer each Party the opportunity to make a closing statement, beginning with the Appellant. No new information may be submitted at this time.
- (g) **Deliberations:** After the Parties have presented their closing statements, the Appeals Panel Chair shall temporarily dismiss them, and the Appeals Panel shall commence its deliberations, in private (i.e., "in camera"). The evidence before the Appeals Panel shall be weighed on a balance of

probabilities.

- (h) **Poll:** Once the Appeals Panel enters its deliberations, the Appeals Panel Chair shall poll the members to determine if they have sufficient information to arrive at a decision or if additional information from the Parties is required.
- (i) **Further Information:** If the Appeals Panel determines that more information is required, the Appeals Panel Chair will ask the Parties to return to the hearing room. Normally, the Appeals Panel will receive the additional information through further questions posed to either Party. However, if more detailed information is required, the Appeals Panel may reconvene at a later date, at which time both Parties have the right to be present.
- (j) **Release:** Once the Appeals Panel members confirm to the Chair that they have sufficient information to arrive at a decision, the Chair shall release the Parties and return to the Appeals Panel deliberations.
- (k) **Completion of Deliberations:** The Appeals Panel shall complete its deliberations and decision-making process in private (“in camera”).

After the Appeal Hearing

6.20 **Appeal Hearing Decision:** The Appeals Panel Chair shall, after an Appeal hearing decision has been made, report the results of the Appeals Panel’s decision, in writing, to the Parties and to the Committee Chair. The letter shall include a brief summary of the following:

- (a) **Facts:** The facts of the Appeal;
- (b) **Issue:** The issue(s) that the Appeal was intended to determine;
- (c) **Decision and Supporting Reasons:** The Appeals Panel decision with brief reasons for the decision; and
- (d) **Right of Further Appeal:** If the Appeals Panel denies the Appeal, the Appeals Panel’s decision must include a statement indicating the Appellant’s right of further appeal, within twenty (20) working days from the date of the Appeals Panel’s letter, to the University’s Senate Committee on Appeals, pursuant to the University policy, “Senate Committee on Appeals.” Reference should also be made to the fact that the University’s Office of Student Advocacy is a resource available for such matters.

6.21 **Destruction of Documents:** All Appeals Panel members must delete email communications relating to an Appeal, and ensure that paper copies of Appeal and hearing documentation are confidentially destroyed. The IHP Coordinator will maintain the formal record of the Appeal, and related meeting and/or hearing, and decision.

7. ACCOUNTABILITY

- 7.1 The IHP Council is responsible for the implementation, administration and review of this Policy.
- 7.2 Students taking HEAL courses, faculty teaching HEAL courses and staff of the IHP

are responsible for complying with this Policy.

8. **REVIEW AND EFFECT ON PREVIOUS STATEMENTS**

8.1 The Review Date for this Policy is ten (10) years from the date it is approved by IHP Council and Faculty Executive Council (or Faculty Council), Rady Faculty of Health Sciences. In the interim, this document may be revised or repealed if:

- (a) The Committee, with appropriate approvals, deems it necessary or desirable to do so;
- (b) It is no longer legislatively or statutorily compliant; and/or
- (c) It comes into conflict with another governing document of the IHP or University.

8.2 If this document is revised or repealed, any related Faculty or College documents shall be reviewed as soon as possible to ensure that they comply with the revised document, or are in term revised or repealed.

8.3 This Policy supersedes all previous governing documents dealing with the subject matter addressed in this document.

9. **POLICY CONTACT**

Please contact Legal Counsel to the Rady Faculty of Health Sciences with questions regarding this document.