

Faculty of Health Sciences Student Appeal Board: Undergraduate Programs

Terms of Reference and Appeal Procedures

*Applicable to all appeals submitted to the Faculty of Health Sciences Student Appeal Board on or after
October 26, 2021*

A. Membership

The Faculty of Health Sciences Student Appeal Board (the “Board”) will consist of nine members, appointed by Faculty Board from among faculty members in the Faculty of Health Sciences (“FHS”). Three Board members shall be from the School of Nursing. Six members of the Board shall be from the School of Medicine, representing both clinical and biomolecular sciences.

Each Board member will serve for three consecutive years.

At least one member will retire from the Board each year but will be eligible for a further term of three years. After two consecutive 3-year terms on the Board, FHS faculty members will not be eligible for re-appointment to the Board for a period of one year.

B. Board Chair

The Board Chair shall be a faculty member appointed by the Dean of FHS. Secretarial support shall be provided by the FHS.

C. Meetings of the Board

1. *General Meetings:* The Board will meet to review policy and procedures and make recommendations to Faculty Board of FHS (“Faculty Board”). A quorum of the Board for general meetings shall consist of five Board members.
2. *Meetings to Hear Student Appeals:* An appeal panel selected from among Board members acts on the delegated authority of Faculty Board to consider appeals of decisions from:
 - i. The Undergraduate Student Academic Progress & Graduation Committee in the School of Nursing;
 - ii. The Progress & Promotions Committee in the School of Medicine (MD Program);
 - iii. A Special Review Board in connection with a Criminal Records Check Policy in either the School of Nursing or the School of Medicine (MD Program);

iv. Reporting

The Board Chair will provide Faculty Board with an annual report that summarizes the number of appeals to the Board and the general nature of each decision made by an appeal panel.

D. Appeals

1. **Filing an Appeal:** The appellant (student) is advised to seek the help of an advisor in preparing their appeal. An advisor could be a faculty member, a friend, family member, colleague, or legal counsel, so long as the person has not been involved in the issues or events giving rise to the

student's appeal to the Board. In matters that involve serious potential academic consequences, the appellant should consider obtaining legal counsel.

2. (a) An appeal must include:
 - i. a copy of the written decision being appealed and any reconsideration decision (see below under section 2(c));
 - ii. the appellant's written submission outlining the reason(s) for the appeal (see limitations below under section 2(b)); and,
 - iii. all documentation the appellant intends to rely on in support of their appeal.
- (b) The jurisdiction of an appeal panel is limited to considering whether the decision-making body whose decision is being appealed failed to act in accordance with the rules of procedural fairness. A breach of procedural fairness includes such things as failing to:
 - i. permit a student to be heard by an unbiased decision-maker;
 - ii. to follow applicable rules, regulations, or university policy, that had a meaningful adverse impact on the appellant;
 - iii. make a reasonable decision. A "reasonable" decision is one that is rational in that its findings are based on evidence and logical inferences from findings of fact. The decision must contain reasons for its conclusions. If there is more than one conclusion that may be reasonably drawn from the same facts, the choice of one conclusion over another does not make the decision unreasonable. A decision is unreasonable if there is no line of analysis in the decision that could reasonably have led the decision-maker from the evidence before it to the conclusion it reached.
- (c) An appeal panel cannot hear or accept evidence that was not presented to the decision-making body whose decision is being appealed. If a student has new evidence about extenuating circumstances that they believe affected their performance and *that was not available to the student at the time the prior decision was made*, the student must submit that new evidence by way of a request for reconsideration to the prior decision maker and obtain a decision before an appeal can be filed with the Board. If the student fails to do so and their appeal contains such evidence, the Board will remit the matter back to the prior decision-making body for reconsideration.
3. All appeals to the Board must be submitted to the Office of the Dean, Faculty of Health Sciences ("Office of the Dean"), within 14 calendar days after the date of the decision being appealed.
4. The appellant may request an extension of time for filing their appeal by writing to the Office of the Dean, indicating the length of extension being requested and explaining the reason(s) for the extension request. The Office of the Dean will ask the academic unit for feedback about the extension request before rendering a decision.
5. A decision to grant an extension of time to the appellant and the length of any extension granted is in the sole discretion of the Office of the Dean. This decision will be communicated in writing to the appellant, the academic unit, and the Board Chair.
6. Upon receipt of an appeal, the Office of the Dean will forward the appeal to the Board Chair.
7. **Responding to an Appeal:** Upon receipt of an appeal, the Board Chair will forward the appeal (normally by electronic mail) to the academic unit for response.
8. The response by the academic unit must include:
 - a) the academic unit's written submission; and,
 - b) all documentation the academic unit intends to rely on in support of its response to the

appeal.

9. The academic unit's response must be submitted to the Board Chair within 14 calendar days after its receipt of the appeal documents from the Board Chair.
10. The academic unit may request an extension of time for filing its response by writing to the Board Chair, indicating the length of extension being requested and explaining the reason(s) for the extension request. The Board Chair will ask the appellant for feedback about the extension request before rendering a decision.
11. A decision to grant an extension of time to the academic unit and the length of any extension granted is in the sole discretion of Board Chair. This decision will be communicated in writing to the academic unit and the appellant.
12. Upon receipt of the academic unit's response to the appeal, the Board Secretary will forward the response to the appellant.
13. **The Appeal Panel:** The Board Chair will contact all members of the Board to identify the appellant, the academic unit involved, and the basic nature of the appeal. The Board Chair will ask each member of the Board to identify and describe any potential conflict of interest, for example, arising from having have been involved in the prior decision-making process(es) or in the events giving rise to the appeal.
14. A Board member will not be assigned to serve on an appeal panel if the Board Chair determines they have a conflict of interest in a case. If the Board Chair has a conflict of interest in a case, the Dean of FHS will designate an alternate Board member to Chair the appeal panel.
15. An appeal panel will consist of two Board members chosen by the Board Chair, and the Board Chair, who will serve as Chair of the appeal panel. Once chosen, the student will be advised by the Chair who the panel members will be and the student will have five business days to make a written submission to the Chair if the student believes any of the panel members have a conflict of interest. The Chair will review the student's submission and decide whether to proceed with the chosen panel, or, whether to replace a member identified by the student. The Chair's decision is final.
16. Normally, an appeal panel should include at least one member from the appellant's School/Program.
17. If necessary to form an appeal panel, the Dean of FHS may appoint temporary members to the Board.
18. Once the members of the appeal panel have been confirmed, the Board Secretary will provide all documents submitted by the appellant and the academic unit to the members of the appeal

panel.

19. **Scheduling the Appeal Proceeding:** The Board Secretary will set a time, date, and location for the proceeding. The Board Secretary will consider the availability of the parties and their counsel, if any; but, the Secretary will ultimately be guided by the availability of panel members as well as the academic calendar and the need to have matters decided on a timely basis (for example before the commencement of the next academic year or term). Parties and counsel are expected to endeavor to make themselves available for dates identified by the Secretary.
20. The Board Secretary will communicate the time, date, and location of the appeal proceeding to the appellant, the academic unit, and all members of the appeal panel.
21. Without written permission of the Panel Chair, no additional materials may be submitted by the appellant or by the academic unit once their respective submission deadlines have expired.
22. Any additional material permitted by the Panel Chair will be provided to the other party (the appellant or the academic unit, as the case may be) and that party will be given seven calendar days to submit a written supplement to their appeal material in response to the additional material.
23. **Procedural Rules:** The Panel Chair may make procedural rulings on issues that are not addressed in this document, which are raised by either party to the appeal or on the Chair's own motion, prior to and during the appeal proceeding, until the panel's written decision has been rendered.
24. **The Appeal Proceeding:** Appeals will normally be heard in-camera, unless determined otherwise by the Panel Chair.
25. The appellant may be accompanied at the appeal proceeding by the advisor who is assisting them.
26. The academic unit will normally be represented by one individual, who may also be accompanied by an advisor.
27. The appellant and the academic unit will each present their case and be prepared to respond to questions from the members of the appeal panel. An advisor acts in a supportive role, and, except for legal counsel, cannot advocate or speak for the appellant or the academic unit. No advisor can give evidence to the appeal panel.
28. Having regard for grounds of appeal the appeal panel is permitted to consider (See section E.2(b) above), in most cases witnesses should not be required. However, if after reviewing the parties' written submissions the panel determines that it requires evidence from a specific individual, (*e.g.* allegations of an individual's bias, improper conduct, etc.), the Panel Chair can, with a copy to the appellant and the academic unit, invite the individual(s) to attend before the appeal panel.
29. The student and the academic unit must provide the Board Secretary with the names of all individuals who will be attending the appeal proceeding with them no less than five calendar days prior to the date of the appeal proceeding.
30. At the commencement of the appeal proceeding, the Panel Chair will introduce the appellant, the representative of the academic unit, any advisors, the members of the appeal panel and any individual(s) supporting the panel.
31. In making their submissions to the appeal panel, each party should presume that the members of the panel have thoroughly reviewed all written submissions and documents provided in advance of

the appeal proceeding.

32. Each party is encouraged to complete their presentation within 30 minutes.
33. The appellant will present their position first.
34. The academic unit will then present their position.
35. The appellant will have the opportunity to respond to issues raised by the academic unit that were not covered in the appellant's initial submission. This is not an opportunity for the appellant to re-state their entire position.
36. The panel members may ask questions of the appellant and the academic unit for clarification and to assist the panel in fully understanding the case.
37. If either the appellant or the representative of the academic unit wishes to ask questions of the other party, those questions are to be directed through the Panel Chair.
38. After all submissions have been heard, the appellant and the academic unit's representative (in that order) will each have the opportunity to make brief closing statements (approximately 5-10 minutes).
39. The Panel Chair will ask the appellant if they have anything to add before closing the proceeding.
40. **Post Proceeding Process:** Once the proceeding is closed, everyone present will withdraw, except the appeal panel members, and those assisting the panel. The panel will then deliberate in closed session.
41. All panel members must have been present for the entire appeal proceeding.
42. The Panel Chair will normally advise the appellant and the academic unit's representative of the panel's decision within seven calendar days, with the panel's written reasons to follow.
43. If the matter involves an alleged departure from academic integrity, the appeal panel will render a decision, and, if the sanction is a requirement to withdraw from the University, the panel will follow the process required by the *Queen's University Senate Policy on Student Appeals, Rights and Discipline*. In all other matters the appeal panel may decide to:
 - a) deny the appeal; or,
 - b) grant the appeal and remit the matter for reconsideration by the body whose decision is being appealed, with procedural directions; or,
 - c) grant the appeal but instead of remitting it for rehearing, grant a remedy. The authority to grant a reasonable alternate remedy is to be exercised judiciously by the appeal panel, normally only if the procedural flaw(s) were such that the appeal panel determines reconsideration could not result in a fair hearing, or, if it would be impractical to remit the matter back for reconsideration (for example, if reconsideration would result in undue delay that would prejudice the appellant).
44. The panel's written decision will be issued by the Panel Chair to the appellant, the academic unit, and the Dean of the Faculty of Health Sciences, normally within 30 calendar days after the date of the hearing.
45. The panel's written decision will include information about the appellant's next available level of appeal.
46. The appeal proceeding will not be recorded or minuted.
47. While members of the appeal panel may take notes during the proceeding to aid in their deliberations, the only official record of the proceeding shall be the written decision issued by the

Panel Chair.

Approved: FHS Student Appeal Board – **January 31, 2022**

Approved: Faculty Board – **February 7, 2022; retroactive to October 26, 2021**