

## 10. Student Code of Conduct and Right to Appeals Regulations

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The conduct of applicants and students of Athabasca University is governed by the following three policies. Each policy is linked to an index. You can return to this index by the "View Policy Index" link at the bottom of each page.

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[Student Academic Misconduct Policy](#)

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[Student Appeals Policy](#)

Correspondence from a student to Athabasca University on any subject pertaining to the above three policies, must be made in writing via Canada Post, [email](#), or fax (780.675.6174), to the Office of Registrar, Athabasca University, 1 University Drive, Athabasca, AB T9S 3A3

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## 10.1 Student Academic Misconduct Policy

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## Student Academic Misconduct Policy

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### 10.1.1 General Regulations

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Athabasca University is defined by tradition as a community of people dedicated to the pursuit of advancement of knowledge and as a place where there is freedom to teach, and learn, and a concomitant obligation to respect these freedoms when they are exercised by others.

Athabasca University has the right to define the conduct that constitutes an academic offence and to apply whatever disciplinary actions it deems appropriate to deal with these offences. Possible penalties may include action ranging from a reduction in grade for a specific course to revocation of an awarded credential.

Nothing in this policy shall prevent Athabasca University from referring an individual or matter to the appropriate law enforcement agency or commencing legal action against an individual when appropriate.

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## Student Academic Misconduct Policy

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### 10.1.2 Intellectual Honesty

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Intellectual honesty is accepted as the cornerstone of the development and acquisition of knowledge. Since knowledge is cumulative, further advances are predicated on the contributions of others.

In the normal course of scholarship these contributions are apprehended, critically evaluated, and utilized as a foundation for further inquiry. Intellectual honesty demands that the contribution of others be acknowledged. To do less is to cheat. To claim contributions and ideas of another as one's own is to deprive oneself the opportunity and challenge to learn and to participate in the scholarly process of acquisition and development of knowledge.

Therefore, the University insists on intellectual honesty in scholarship. The control of intellectual dishonesty begins with the individual's recognition of the standards of honesty expected and then his/her compliance with those expectations.

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## Student Academic Misconduct Policy

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### 10.1.2 Academic Offences

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Academic offences include:

1. admissions offences
2. plagiarism
3. cheating
4. collusion
5. unauthorized use of Athabasca University materials
6. misrepresentation of facts and fraud
7. aiding another in committing an academic offence

#### 10.1.2.1 Admission Offences

Any applicant who applies for admission who:

1. misrepresents, or aids another person or persons to falsify material facts for the purpose of gaining admission, enrolment, or obtaining academic advantage
2. commits, or aids another person or persons to commit an act designed to misrepresent an applicant's academic status or eligibility for admission, enrolment, or for receiving transfer credit
3. withholds records, transcripts, or other documents with the intent to gain unfair academic advantage
4. any other act of falsification or misrepresentation in the admission process that Athabasca University deems inappropriate is guilty of an admissions offence under this policy and may be subject to penalties listed under [Section 5 Penalties](#) within this policy.

#### 10.1.2.2 Plagiarism

Plagiarism involves submitting or presenting work in a course as if that work were the student's own, when, in fact, it was not. Often plagiarism exists when:

1. the work submitted was done in whole or in part, by an individual other than the person submitting the work
2. the whole or parts of a work are taken from another source without reference to the original author, publication, journal or Internet source
3. the whole or parts of the coursework submitted lacks citations even though a list of sources is provided

4. the coursework has been copied in whole or in part from an individual, a textbook, a solution manual, the Internet or any other source
5. when paid or professional editors are used inappropriately.  
Students are encouraged to contact the individual to whom their coursework is being submitted to discuss their plan on the use of an editor prior to submission of their coursework.

Anyone found guilty of plagiarism under this policy may be subject to Section 5 Penalties within this policy.

### **10.1.2.3 Cheating**

Cheating includes:

1. submitting a proposed invigilator for approval under false pretenses. This includes, but is not limited to:
    - naming one's friend, relative, fellow student or co-worker for approval
    - submitting false credentials, names, occupations, and addresses
    - the misrepresentation of other information related to a proposed invigilator
  2. writing an invigilated examination or any part of an invigilated examination outside of an approved invigilation centre
  3. removing, by any means, an examination or any part of an examination from an approved invigilation centre
  4. communicating substantive content of any examination to course mates or others
  5. in the course of writing an examination, obtaining or attempting to obtain information from another student or other unauthorized source, or giving or attempting to give information to another student, or knowingly possessing, using, or attempting to use any unauthorized material and/or electronic devices
  6. leaving answer papers exposed to view, or attempting to read other students' examination papers
  7. representing or attempting to represent oneself as another or having or attempting to have oneself represented by another in the taking of an examination, preparation of coursework, or other similar activity
  8. submitting in any course or program of study without prior approval, all or a substantial portion of any coursework for which credit has been received or is being submitted in another course or program at AU or elsewhere
  9. submitting in any course or program of study (including those courses in a clinical or laboratory setting) any coursework (including laboratory results) containing a false statement(s) intended to be perceived as fact(s), or a reference that has been fabricated
  10. accessing course materials or notes pertaining to the subject matter of the course or accessing internet sites during a scheduled examination when the exam prohibits access to such materials
- Anyone found guilty of cheating under this policy may be subject to Section 5 Penalties within this policy.

### **10.1.2.4 Collusion**

Collusion involves two or more persons who, by agreement between them, prepare and submit the substantially same or identical piece of coursework, claiming that it is the work of only the person submitting it, without the prior permission of the person to whom the coursework is being submitted.

Anyone found guilty of collusion under this policy may be subject to Section 5 Penalties within this policy.

#### **10.1.2.5 Unauthorized Use of AU Materials**

It is an offence to knowingly procure, sell, distribute, duplicate, transpose or receive any course material such as examinations, tests, quizzes, assignments, or laboratory results from any source without the proper written consent of Athabasca University except where licensing agreements permit otherwise.

Anyone found guilty of unauthorized use of Athabasca University materials under this policy may be subject to Section 5 Penalties within this policy.

#### **10.1.2.6 Misrepresentation of Facts and Fraud**

It is an offence to knowingly misrepresent material facts, the awarding of a credential, results of academic submissions, grades, or a reviewer's comments.

Forging or falsifying academic records is a serious offence that can result in expulsion and possible criminal prosecution. Specifically, it is an offence to:

##### **Forged or Falsified Documents**

Forging or falsifying academic records is a serious offence that can result in expulsion and possible criminal prosecution. Specifically, it is an offence to:

1. falsify or forge an academic record including, but not limited to, a transcript, a mid-term grade report, and/or a final grade report
2. create or present a fraudulent degree, certificate, or parchment, and/or to claim the receipt of a fraudulent credential presented as legitimate
3. assist another in falsifying or forging an academic record or credential.

Anyone found guilty of misrepresenting facts and fraud under this policy may be subject to Section 5 Penalties within this policy.

#### **10.1.2.7 Aiding Another in Committing an Academic Offence**

It is an offence to aid another in committing any academic offence.

Anyone found guilty of aiding another in committing an academic offence under this policy may be subject to Section 5 Penalties within this policy.

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## Student Academic Misconduct Policy

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### 10.1.4 Penalties

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Where an academic offence is found to have occurred, one or more of the following penalties will be imposed by Athabasca University, in conformance with Section 10.1.5 Disciplinary Procedures within this policy.

1. rejection of an application for admission or enrolment
2. rejection of submitted coursework with or without the option to resubmit
3. reduction of a grade on submitted coursework with or without the option to resubmit
4. reduction of, or assignment of, a failing grade in a course with or without the option to resubmit
5. suspension from Athabasca University for a period of at least six months but not more than two years\*
6. expulsion from Athabasca University\*
7. revocation of a grade awarded for a completed course with a failing grade assigned for the course\*
8. revocation of an awarded credential\*

\*Penalty must be approved by Vice-President, Academic.

All penalties assigned under this policy will appear on a student's transcript for a period of two years. In circumstances where the two-year period extends beyond a student's graduation date, the penalty will be removed from the student's transcript on the date the student graduates provided that there is not more than one penalty on the student record. In cases where there are more than one penalty, all penalties will remain on the student record for the two-year period.

In the case of an expulsion, the revocation of a grade for a completed course and the revocation of an awarded credential the penalty shall appear on the Student's transcript permanently.

#### 10.1.4.1 Investigation of Offences

University Officers Responsible for Investigation of Offences:

OFFENCE	UNIVERSITY OFFICER
Falsifying admissions information	Associate Registrar of Admissions and Transfer Credit Services
Plagiarism	Dean (or designates)

Copying	Dean (or designates)
Collusion	Dean (or designates)
Cheating	Dean (or designates)
Unauthorized use of Athabasca University materials	Dean (or designates)
Misrepresentation of Facts and Fraud	Associate Registrar of Operations
Aiding another in committing an academic offence	In accordance with the offence as identified above.

Note: Dean (or designates) refers to the Dean responsible for the course. For the Centre of Distance Education, the Director of the Centre for Distance Education would be the designated University Officer in place of a Dean.

#### 10.1.4.2 Assignment of Penalty

University Officers Responsible for Assignment of Penalties:

PENALTY	AUTHORITY TO DETERMINE OR APPROVE PENALTY
Reduction of grade on submitted coursework	Dean (or designates)
Rejection of submitted coursework	Dean (or designates)
Rejection of an application for admission or enrollment	Associate Registrar of Admissions and Transfer Credit Services
Failure of an examination or coursework	Dean (or designates)
Failure of the course	Dean (or designates)
Suspension from Athabasca University of six months but not more than two years	Vice-President, Academic
Expulsion from Athabasca University	Vice-President, Academic

Notes:

Suspension from Athabasca University includes a suspension from a program. A student is not allowed to take any courses from Athabasca University during the period of the suspension.

Nothing shall prevent Athabasca University from referring an individual or matter to the appropriate law enforcement agency or commencing legal action against an individual should such action be considered appropriate. The appropriate University Official should consult with Athabasca University Legal Counsel prior to taking such action.

The authority to determine or approve penalties for the Centre for Distance Education is with

the Director of the Centre for Distance Education.

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## Student Academic Misconduct Policy

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### 10.1.5 Disciplinary Procedures

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Where there is an allegation of an academic offence, refer to the following procedures. Decisions are subject to the appeals process outlined in [Section 7 Appeals](#) within this policy. Any member of the University community who has reason to believe that a student is guilty of an academic offence may initiate proceedings against the student. Athabasca University has the right to amend and adjust these disciplinary procedures from time to time.

#### 10.1.5.1 Initiation of Proceedings

Where a member of the Athabasca University community has reason to believe that a student has committed an academic offence, that individual may forward a written complaint to the appropriate University Officer for investigation.

The written complaint will include the following information:

1. a written summary of the allegation and
2. all supporting documentation that led to the belief that an academic offence has been committed including, but not limited to, copies of coursework and course materials, results from the use of plagiarism detection software, copies of Internet searches, invigilator statements, and any other documentation in support of the case.

#### 10.1.5.2 Investigation

##### **Preliminary Investigation and Summary Dismissal of Complaint Review and Determination**

Within fifteen (15) business days of receiving the written complaint, or such other time as may be permitted in accordance with this procedure, the University Officer may conduct a preliminary investigation of the complaint, including, if it is in the view of University Officer desirable, discussing the complaint with the Complainant, or consulting with others (e.g. Registrar, academic staff, Athabasca University lawyers, Vice President – Academic, Associate Vice-President Academic, etc.). Where the University Officer is of the opinion the complaint is without merit, or is frivolous, trivial or vexatious, the University Officer may dismiss the complaint summarily. Where the complaint is dismissed summarily, the University Officer must notify the complainant, in writing, specifying the reason(s) for the dismissal.

Within fifteen (15) business days of receiving the written complaint, or such other time as may be permitted in accordance with this procedure, and provided that the complaint has not been summarily dismissed, the University Officer must discuss the alleged offence with the student and the complainant. Other persons (e.g., Registrar, academic staff, Athabasca University

lawyers, Vice-President – Academic, Associate Vice-President – Academic, etc.) may also be consulted as deemed appropriate; however, any previous record of the student alleged to have committed the offence is not to be consulted.

### **Determination That An Offence Has Not Occurred Determination That An Offence Has**

Where the University Officer has determined that no offence has been committed and thus declines to proceed with the complaint, the complainant and the student must be provided with written notice of the decision within fifteen (15) business days of receipt of the complaint or such other time as may be permitted in accordance with this procedure. This notification will not form any part of the student's official student record.

### **Occurred and Imposition of Penalty Written Record Imposition of Penalty Notification to**

Where a student is found to have committed an academic offence, the University Officer will consult with the Office of the Registrar regarding penalties imposed generally for such offences and regarding the student's previous record. The University Officer shall consider the previous record of the student in order to determine the severity of the penalty. Where the penalty of Suspension or Expulsion is under consideration, the University Officer investigating the matter will consult with the appropriate University Officer. No Suspension or Expulsion shall be imposed without the necessary approval. After the required consultation the University Officer may impose one or more of the Section 5 Penalties. The University Officer shall prepare a statement in writing in accordance with section 6.2.5 and 6.2.6.

Where a penalty is to be imposed, the University Officer shall prepare a written statement setting out:

1. a brief summary of the conduct alleged to constitute the offence
2. a statement in writing that the alleged offence has been reviewed with the student and the complainant
3. a brief statement giving details of the determination and the reasons therefore
4. any special conditions that must be met by the student
5. for those penalties that require the approval of the Vice-President – Academic, documentation that the approval has been obtained.

The University Officer shall then impose:

1. the penalty
2. any special conditions deemed appropriate by the University Officer that must be met by the student based upon the findings in the present case and the results of the review the student's record of previous discipline.

### **the Student and the Complainant**

Within fifteen (15) business days of discussing the incident with the complainant and the student, or such other time as may be permitted in accordance with this procedure, the University Officer shall provide written notification to the complainant and the student of any penalty imposed. Such notification shall include the written statement prepared under Section 6.2.5. A copy of the correspondence shall be forwarded to the Registrar and be kept in the student's official student record. The written notification of the penalty imposed must also include notification of the right of appeal and must outline the procedures for appeal.

## Student Appeals Policy

In all cases, the University Officer will keep a file with all documentation associated with the case for a period of two (2) years. In the event of an appeal to the Student Academic Appeals Committee, the University Officer will forward a copy of this file to the Chair of the Student Academic Appeals Committee upon request.

### **10.1.5.3 Course and/or Program Withdrawal During Disciplinary Proceedings**

A student is not eligible to withdraw from a course or program during disciplinary proceedings. If, at the conclusion of the proceedings it has been decided not to proceed with a charge of Academic Misconduct and the student wishes to withdraw from a course or program, the withdrawal may be back dated to the date the proceedings were initiated.

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## Student Academic Misconduct Policy

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### 10.1.6 Appeals

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A student has the right to appeal any penalty assigned under this policy by Athabasca University to the Student Academic Appeals Committee by following the procedures established by Athabasca University and set out in the [Student Appeals Policy](#). Any appeal must be filed within the time limits set out in the Student Appeals Procedures.

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## Student Academic Misconduct Policy

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### 10.1.7 Freedom of Information and Protection of Privacy

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The use and disclosure of personal information will be only as provided for by Athabasca University's Protection of Privacy Policy and Alberta's Freedom of Information and Protection of Privacy Act.

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## Student Academic Misconduct Policy

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### 10.1.8 Time Limits for Appeals

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It is intended that allegations of Academic Misconduct be investigated and addressed quickly, and where reasonably possible the time limits in this Procedure should be met. However, there may be circumstances where more time is required to conduct a thorough investigation, including but not limited to the absence of or inability to contact a complainant, applicant, student, or a necessary witness. Accordingly, the University Officer conducting the Investigation may request an extension of the time limits from the Chair of the Student Academic Appeals Committee, or designate. If the Chair of the Student Academic Appeals Committee, or designate, is of the opinion that an extension of the time limit is reasonably necessary to permit thorough investigation of the allegations, and does not unfairly interfere with the ability of the student to respond to the allegations, he or she may extend the time limits set out in the Procedure. Such an extension may be granted regardless of whether the request is received before or after the expiration of a time limit.

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#### **Approved by**

Academic Council (Motion 75.9) 19 September, 1989

#### **Amended Date/Motion No.**

Academic Council (Motion 217-5) April 29, 2009

Academic Council (Motion 185-15) November 3, 2004 (Revised)

Academic Council (Motion 147-22) January 27, 1999 (Revised)

Athabasca University Governing Council (Motion 125-4) December 16, 1998

Academic Council (Motion 134-8) January 22, 1997 (Revised)

July 7, 1993 (Revised)

March 20, 1990 (Revised)

Academic Council, November 19, 1991 (Revised)

## **Related References, Policies, and Procedures**

Athabasca University Student Academic Misconduct Policy/Procedures

Athabasca University Protection of Privacy Policy

Athabasca University Information Technology Electronic Data Security Policy

Athabasca University Publication: Student Code of Conduct and Right to Appeal

Athabasca University Student Appeals Policy/Procedures

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## **Applicable Legislation/Regulation**

Alberta's Freedom of Information and Protection of Privacy Act

Section 31 (1) (a) and (b) and Section 62 of the Post Secondary Learning Act (2003, c. P-19.5)

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## 10.2 Non-Academic Misconduct Policy

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## Non-Academic Misconduct Policy

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### 10.2.1 General Regulations

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Non-academic offences, attempted or committed by students on University premises or during University-sponsored activities, shall be grounds for disciplinary action by the University. The University reserves the right, notwithstanding anything contained herein, to refer any non-academic offence to the appropriate civil or criminal authority, as the University deems appropriate.

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## Non-Academic Misconduct Policy

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### 10.2.2 Non-Academic Offences

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Non-academic offences include

1. disruption of University activities
2. unauthorized entry or use of University facilities
3. misappropriation of, misuse of, or damage to University property
4. physical abuse or dangerous activity resulting, or likely to result in physical abuse of person or property
5. written and/or verbal abuse
6. sexual harassment
7. refusal to provide identification
8. smoking in prohibited areas

#### **10.2.2.1 Disruption of University Activities**

Disruption of University activities includes but is not limited to exam-writing, tutoring, teaching, studying, research, administration, and meetings.

#### **10.2.2.2 Unauthorized Entry and Use**

Unauthorized entry and/or use refers to any University building, facility, room, or office. Facilities include but are not limited to the central office, learning centers, University House, and parking lots.

#### **10.2.2.3 Misappropriation of, Misuse of, or Damage to University Property**

Misappropriation of, misuse of, or damage to University property includes

1. misappropriation of or possession of misappropriated University property
2. intentional or negligent damage of University property
3. removal of books or other library and audio-visual material without proper authorization
4. mutilation or defacing of books or other library materials
5. intentionally misplacing resources or in any other way intentionally depriving other members of the University of the property or of having access to the resources.

#### **10.2.2.4 Physical Abuse and Dangerous Activity**

Physical abuse and dangerous activity include

1. actual physical abuse or threat of physical abuse to another person
2. damage to another person's property
3. knowingly, and without just cause, cause another person to fear physical abuse or fear damage to his/her property
4. creating a condition that unnecessarily endangers or threatens the health, safety, or well-being of other persons, or could cause damage to property

#### **10.2.2.5 Written and/or Verbal Harassment**

Written and/or verbal harassment includes the use of threatening, obscene, profane, or racist language, or language that is otherwise abusive in the circumstances, by a student, directed to another student, an instructor, officer, or other employee of the University, or any other person.

#### **10.2.2.6 Sexual Harassment**

Sexual harassment includes

1. written and/or verbal abuse or threats
2. unwelcome remarks, jokes, innuendoes, or taunting
3. displaying pornographic or other offensive or derogatory pictures
4. practical jokes that cause awkwardness or embarrassment
5. unwelcome invitations or requests, whether direct, explicit, or intimidating
6. leering or other gestures
7. unnecessary physical contact such as touching, patting, pinching, punching
8. physical assault

#### **10.2.2.7 Refusal to Provide Identification**

It is an offence to refuse to provide identification upon request by an officer, employee, or agent of the University acting on behalf of the University in the course of his/her duties where the said person has reason to believe an individual is committing, has committed, or is about to commit an offence.

#### **10.2.2.8 Non-Adherence to Smoking Policy**

Smoking is prohibited at Athabasca University and its Learning Centres. Smoking is permitted outside these facilities.

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## Non-Academic Misconduct Policy

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### 10.2.3 Disciplinary Action

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Disciplinary action may include one or more of the following penalties:

- reprimand
- suspension
- expulsion
- exclusion from class
- exclusion from exam

### 10.2.4 Disciplinary Procedures

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The following procedures do not apply to disruptive behaviour in class or disruptive behaviour in the exam room (see [Section 7 Exclusion from Class or Exam for Disruptive Behaviour](#) within this policy).

#### 10.2.4.1 Initiation of Proceedings

##### Initiation

Any person who has reason to believe that a student is guilty of a non-academic offence may initiate proceedings against the student by way of a statement signed by the complainant and delivered to the Registrar.

##### Action

The Registrar will determine the appropriate avenue for investigation and will designate the appropriate individual to conduct the investigation (herewith called the "Investigator").

#### 10.2.4.2 Proceedings

##### Review and Investigation

The Investigator will review the complaint and conduct an investigation. This may include interviewing the relevant individuals and obtaining other information relevant to the complaint.

##### Complaint Declined

The Investigator may decline to proceed with a complaint under the following circumstances:

1. where the Investigator believes that no University rule has been violated
2. where the Investigator believes the complaint to be scandalous, frivolous, or vexatious

3. where the Investigator believes that an unreasonable amount of time has elapsed since the incident
4. where the Investigator believes that the offence should be referred to police or appropriate public authorities.

### **Complaint Declined Procedure**

Where the Investigator has declined to proceed with a complaint, this decision will be delivered to the Registrar who will advise the complainant in writing within (10) calendar days of receipt of the complaint.

### **Action Procedure**

1. The Investigator shall ensure that all documentation is provided to the Registrar.
2. If the Registrar desires more information, the Registrar shall conduct such further investigation as the Registrar deems appropriate, including reviewing the matter with the student, providing it is practical to do so.
3. The Registrar, following such investigation, may dismiss the complaint or impose one or more of the penalties.
4. In determining an appropriate penalty, the Registrar may take into account the disciplinary record, if any, of the student.
5. The Registrar shall provide written notice to the student of the decision, any penalty imposed, and of the right to appeal within twenty (20) calendar days of receipt of the original complaint.

**NOTE:** In the event that the Investigator fails to act within the time limits stated herein, the student shall, upon the expiry of such time limits, be entitled to proceed to the next step: direct appeal to the Associate Vice-President, Academic. In the event that the Investigator or the Associate Vice-President, Academic is not available, a designate will carry out the following procedures.

### **10.2.4.3 Appeal Procedures**

1. A student or complainant may appeal the decision of the Investigator not to proceed, or the decision by the Registrar, by submitting such notice of appeal in writing to the Associate Vice-President, Academic no later than ten (10) calendar days after deemed receipt of notification of the Registrar's decision. The Associate Vice-President, Academic may at his/her sole discretion accept an appeal notwithstanding that more than ten (10) calendar days have elapsed since receipt of the Registrar's decision.
2. The notice of appeal shall be in writing, signed personally or through an agent representing the appellant, and state the grounds of appeal. The appeal shall deal with the Registrar's decision, the finding of guilt and/or the penalty imposed. At this time the student may view the file upon request. Any additions to the file during the appeal process will be made available to the student who has requested access to the file.
3. If legal counsel is retained by the appellant, the Associate Vice-President, Academic must be notified of it immediately.
4. The Associate Vice-President, Academic shall consider the appeal and review the matter in a manner in which he/she, in his/her sole discretion deems appropriate, and may either sustain, quash, or vary the decision being appealed.
5. Where the Associate Vice-President, Academic sustains the finding of guilt, he/she may confirm, vary, or suspend the penalty imposed.

6. The Associate Vice-President, Academic shall communicate his/her decision to the appellant, or his/her agent/representative/lawyer, in writing, within ten (10) calendar days of receipt of the appeal or within such longer period as the Associate Vice-President, Academic deems necessary in his/her sole discretion. The penalty becomes effective immediately upon such notification. Any penalty imposed or confirmed shall take effect on the date indicated in the written notification.
7. Decisions of the Associate Vice-President, Academic shall be final and binding, and no right of appeal lies therefrom.

**NOTE:** Notification mailed by single-registered post to the last known address of the student, is deemed, in the absence of evidence to the contrary, to have been received by the student ten (10) calendar days after posting to an Alberta address and twenty (20) calendar days to an address outside of Alberta.

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## Non-Academic Misconduct Policy

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### 10.2.5 Student Records and Transcripts

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Suspension imposed for disciplinary reasons shall appear on the student's records and transcripts for the full period of the suspension until the suspension is lifted. In the case of expulsion, an entry shall appear on the student's records and transcripts for the full period of the expulsion.

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## Non-Academic Misconduct Policy

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### 10.2.6 Exclusion from Class or Exam for Disruptive Behaviour

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#### 10.2.6.1 Exclusion from Class by an Instructor

1. When a student disturbs, disrupts, or otherwise interferes with classroom activities, the instructor may immediately exclude the student from the course for a particular class and may also exclude the student from the next subsequent class in that course. In each case, the instructor is required to notify the course professor and the Program Director by the next business day.
2. If the behaviour persists when the student is re-admitted to class, the instructor may again immediately exclude the student from the class and the instructor must initiate proceedings against the student according to the procedures described above. The student's exclusion from class will be in effect until a decision is reached by the Program Director. If a student is reinstated by a decision of the Program Director, such decision shall not invalidate the prior action of the instructor. The University shall not be held legally responsible for any lost class time. The Program Director shall communicate his/her decision in writing to the student within five (5) calendar days from the date of the most recent exclusion.
3. The student may appeal the Program Director's decision as set out below. The student shall not be permitted in the class without the Program Director's written approval until such time as the appeal is heard and decided.
4. Within five (5) calendar days of receipt of the appeal, the Program Director shall provide written notice to the student of the decision, any penalty imposed and the deadline to appeal to the Vice-President, Academic of ten (10) calendar days.
5. The student (hereinafter cited as the appellant) must lodge a written appeal with the Vice-President, Academic within ten (10) calendar days after the decision was delivered or deemed to have been delivered to the appellant.
6. The Vice-President, Academic shall consider the appeal and review the matter in a manner which he/she, in his/her sole discretion, deems appropriate, and may either sustain, quash, or vary the decision being appealed. Where a decision against the appellant is sustained, the Vice-President Academic may also confirm, vary, extend, or suspend the exclusion from class initially imposed.
7. The Vice-President, Academic shall communicate his/her decision to the appellant, or his/her agent/ representative/lawyer, in writing within ten (10) calendar days of receipt of the appeal or within such longer period as the Vice-President, Academic deems necessary in his/her sole discretion.
8. Decisions of the Vice-President, Academic shall be final and binding, and no right of

appeal lies therefrom.

#### **10.2.6.2 Exclusion from an Exam by an Exam Supervisor**

1. When a student disturbs, or otherwise interferes with exam activities, the exam supervisor may immediately exclude the student from the exam room and request that the student return immediately his/her exam test and booklet. The exam supervisor shall advise the student that he/she can request to write another version of the exam at a later date.
2. The exam supervisor is required to notify the Registrar, the course professor, and the Program Director by the next business day.
3. The student who feels that he/she has been unfairly treated can lodge a complaint with the Program Director. The decision of the Program Director and of the Vice-President, Academic, in the case of an appeal, shall not invalidate the prior action of the exam supervisor.
4. The Program Director shall communicate his/her decision in writing to the student within ten (10) calendar days of receipt of the complaint.
5. The University shall not be held legally responsible for any contract period or credit lost.
6. The student may appeal the Program Director's decision by following the same procedures outlined under Section 5.3 Appeal Procedures within this policy.

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## Non-Academic Misconduct Policy

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### 10.2.7 Freedom of Information and Protection of Privacy

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The use and disclosure of personal information will be only as provided for by Athabasca University's Protection of Privacy Policy and Alberta's Freedom of Information and Protection of Privacy Act.

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Regulation: N/A

Procedure: N/A

#### **Approved By:**

Academic Council, (Motion 185-14) Revised 03 November, 2004

Academic Council (Motion 148-7) Revised 03 March, 1999

Academic Council (Motion 134-8) Revised 22 January, 1997 Revised 1993

Academic Council (Motion 79-3) Revised 10 March, 1990

Academic Council (Motion 71-6) Original 17 January, 1989

#### **Amended Date/Motion No. N/A**

#### **Related References, Policies and Procedures**

Athabasca University Protection of Privacy

#### **Applicable Legislation/Regulation**

Alberta Freedom of Information and Protection of Privacy Act

#### **Responsible Position/Department**

Registrar

**Information effective Sept. 1, 2015 to Aug. 31, 2016.**

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## 10.3 Student Appeals Policy

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1. Membership
2. Consultation
3. Appealable Actions and Decisions
4. Appeals Process for Assignment of Grades
  - 4.1 Appeals on Substantive Grounds
  - 4.2 Appeals on Procedural Grounds
5. Appeals Process for Transfer Credit Evaluations and Assessments
6. Appeals on Matters of Institutional Procedure or Policy
7. Appeals of Penalties Arising From the Academic Misconduct Policy
8. Student Academic Appeals Committee Written Appeal
9. Time Limits

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## Student Appeals Policy

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### 10.3.1 Membership

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#### 10.3.1.1

The Student Academic Appeals Committee (Committee) comprises the following members:

1. members elected by Athabasca University Academic Council (AUAC)
  - Registrar (Chair)
  - three academic staff members elected by AUAC from undergraduate programs
  - two academic staff members elected by AUAC from graduate programs
  - one undergraduate student representative
  - one graduate student representative.
2. The Registrar or designate shall be an ex officio member of the Committee, and shall serve as its Chair.

#### 10.3.1.2

Committee members elected by Academic Council shall hold office for a term of two years (except for Registrar, which is ex officio). Members elected by Academic Council shall have their terms staggered at one-year intervals.

#### 10.3.1.3

The quorum for committee deliberations shall be five (5) members, one of whom shall be the Chair. If the committee is obliged to consider an appeal at a time when a quorum from the regular committee membership is not possible, the Chair shall obtain alternative representatives from the various bodies sufficient to ensure a quorum. The alternative representatives selected in the above manner shall serve only until a quorum of elected members can be obtained.

#### 10.3.1.4

The undergraduate student representative will be nominated by Athabasca University Student's Association.

#### 10.3.1.5

The graduate student representative will be nominated by the Graduate Students' Association Advisory Committee.

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## Student Appeals Policy

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### 10.3.2 Consultation

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The University shall consult with staff, faculty or any other person considered appropriate in the process of reviewing an academic appeal application.

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## Student Appeals Policy

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### 10.3.3 Appealable Actions and Decisions

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A student/applicant may appeal

1. the assignment of grades on substantive grounds
2. the assignment of grades on procedural grounds
3. decisions on the evaluation and assessment of transfer credits
4. the application of institutional policies and procedures which do not directly impact the assignment of a grade. This appeal process does not apply to policies and procedures in which a decision of an University Officer is expressed as being the final decision, or where no express provision is made in the policy or procedure in question for appeal of the decision
5. the assignment of penalties resulting from decisions made under the Student Academic Misconduct Policy.

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## Student Appeals Policy

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### 10.3.4 Appeals Process for Assignment of Grades

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A student (appellant) may appeal any grade assigned to essays, examinations and assignments, or exercises that contribute to the final grade. Appeals of both failing and passing grades may be considered.

The appellant must follow the procedures outlined in the appropriate section of this document. If the appeal is misdirected, the University Officer in receipt of the appeal shall redirect the appeal to the appropriate University Officer. Where there is disagreement as to which procedures should be followed or which University Officer should review the appeal, the Chair of the Student Academic Appeals Committee shall make the final decision.

The appeal of a grade and subsequent remarking, if appropriate, shall result in one of three possible outcomes:

1. the grade remains the same
2. the grade is raised
3. the grade is lowered.

**NOTE:** Reference to a Program Director means the director of the program of study in which the student is enrolled. In the case of an unclassified student, the director of the program in which the course in question resides will be assigned by the Vice-President, Academic to administer the appeal. If any question arises as to the appropriate Program Director, the Vice-President, Academic will decide.

#### 10.3.4.1 Appeals on Substantive Grounds

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##### **4.1.1 An appeal for the assignment of grades on substantive grounds can be made when:**

1. an appellant believes a grade to coursework was assigned on some basis other than academic achievement
2. the published evaluation standards in the course syllabus differ from the evaluation standards applied to the assigned grade
3. the evaluation standards applied to the assignment of the grade are unreasonable or differ from the evaluation standards described in the student manual for the course.

##### **10.3.4.2 Step One – Request for an Informal Review by Marker**

The appellant must request an informal review of the assigned grade with the marker. This request must be made within thirty (30) days of receiving the grade.

The marker can:

1. remark the coursework in question and assign an outcome as described above;
2. decline to proceed if sufficient grounds have not been established.

The marker must discuss the matter with the appellant and provide a decision, in writing, to the appellant within ten (10) business days of receiving the informal review request.

#### **10.3.4.3 Step Two – Appeal to Course Coordinator**

An Appellant who is not satisfied with the Step One decision may appeal in writing to the Course Coordinator within thirty (30) days of receiving the Step One decision. The appeal must be in writing, specify the reasons for making a further appeal and include all additional information or documentation the Appellant wishes to be considered. When the Course Coordinator is the individual who has assigned the grade and/or is the individual who completed the Step One review, then the Centre Chair responsible for the course shall assign an alternate Course Coordinator or competent marker to review the Step Two appeal.

The Course Coordinator shall review the case, consulting with staff, faculty, the Appellant concerned, or any other person considered appropriate, providing it is practical to do so.

The Course Coordinator can:

1. remark the coursework in question and assign an outcome
2. arrange to have the coursework remarked by an alternate competent marker
3. decline to proceed if sufficient grounds have not been established.

The Course Coordinator must discuss the matter with the appellant and provide a decision, in writing, to the appellant within ten (10) business days of receiving the Step Two appeal request.

#### **10.3.4.4 Step Three – Appeal to the Dean (or designates)**

An Appellant who is not satisfied with the Step Two decision may appeal in writing to the Dean (or designates) responsible for the course within thirty (30) days of receiving the Step Two decision. The appeal must be in writing, specify the reasons for making a further appeal and include all additional information or documentation the Appellant wishes to have considered.

The Dean (or designates) shall review the case, consulting with staff, faculty, the Appellant concerned, or any other person considered appropriate, providing it is practical to do so.

The Dean (or designates) can:

1. arrange for remarking of the coursework in question by an individual who has not been involved in the step one or two decision and assign an outcome
2. decline to proceed if sufficient grounds have not been established.

The Dean (or designates) must discuss the matter with the appellant and provide a decision, in writing, to the appellant within ten (10) business days of receiving the Step Two appeal request.

The decision of the Dean (or designates) is final.

### **10.3.5.5 Appeals on Procedural Grounds**

#### **10.3.5.5.1**

An appeal for the assignment of a grade on procedural grounds can be made when an appellant believes a university policy or procedure has not been followed in the assignment of a grade. When it is determined, in accordance with this procedure that university procedure and policy have been followed an appeal using procedural grounds as its basis will be dismissed.

The Appellant must submit their appeal in writing to the Chair of the Student Academic Appeals Committee setting out the grounds for their appeal, including details as to the university policy or procedure they believe was not followed, and how that impacted on the grade assignment within thirty (30) days of receiving the grade.

#### **10.3.5.5.2**

The Chair shall review the case, consulting with staff, faculty, the Appellant concerned, or any other person considered appropriate providing it is practical to do so.

The Chair may:

1. present the appeal to the Student Academic Appeals Committee for consideration and review, or
2. decline to proceed if sufficient grounds have not been established.

#### **10.3.5.5.3**

In cases where the appeal has been presented to the Student Academic Appeals Committee for consideration and review, the committee may consult with the appellant if desired or delegate the Chair to consult with the appellant in the event the appellant is not available at the time of the committee's review of the appeal. The Chair shall inform the appellant of the committee's decision, in writing, within thirty (30) days of receiving the appeal. The decision of the Student Academic Appeals Committee is final.

#### **10.3.5.5.4**

In cases where the appeal has been declined based on insufficient grounds the Chair shall inform the appellant, in writing, within ten (10) business days of receiving the appeal and include specific reasons for the decision to decline. The decision of the Chair is final.

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## Student Appeals Policy

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### 10.3.5 Appeals Process for Transfer Credit Evaluations and Assessments

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A student (appellant) may appeal any decision concerning the awarding of transfer credit for previous education. Appeals to change the designation of certain credits, to obtain more credit or to reduce the credit granted may be allowed. Appellants should review and are expected to be familiar with Admissions and Academic Regulations in the current Athabasca University Calendar prior to appealing any decision regarding the award of transfer credits.

The appeal of a decision on transfer credit shall result in one of two possible outcomes:

1. the transfer credit award remains the same, or
2. an award of additional transfer credit.

#### **10.3.5.1 Step One – Appeal to Coordinator of Admissions and Transfer Credit Services**

##### **10.3.5.1.1**

An appellant submitting an appeal to any decision concerning the evaluation and assessment of transfer credit must contact the Coordinator of Admissions and Transfer Credit Services to discuss the award and to set out the reasons for their appeal. Such contact must be made within thirty (30) days of receiving the letter containing the transfer credit decision.

The Coordinator of Admissions and Transfer Credit Services can:

1. change the transfer credit award, or
2. decline to proceed if sufficient grounds have not been established.

##### **10.3.5.1.2**

The Coordinator of Admissions and Transfer Credit Services must discuss the matter with the appellant and provide a decision, in writing, to the appellant within ten (10) business days of receiving the request.

#### **10.3.5.2 Step Two – Appeal to the Associate Registrar of Admissions and Transfer Credit Services**

##### **10.3.5.2.1**

An appellant who is not satisfied with the Step One decision may appeal in writing to the Associate Registrar of Admissions and Transfer Credit Services within thirty (30) days of receiving the Step One decision. The written appeal must identify precisely the decision(s) the appellant

wishes to have reconsidered. All supporting documentation or evidence that the appellant wishes to have considered must be submitted at this stage of the appeal.

#### **10.3.5.2.2**

The Associate Registrar of Admissions and Transfer Credit Services shall review the file and any supporting documentation that has been submitted, and may consult with faculty members, committee members, staff members, program directors, the Appellant concerned, or other persons considered appropriate.

The Associate Registrar of Admissions and Transfer Credit Services can:

1. change the transfer credit award, or
2. decline to proceed if sufficient grounds have not been established.

The Associate Registrar of Admissions and Transfer Credit Services shall inform the appellant in writing of the decision, within thirty (30) days of receiving the appeal.

The decision of the Associate Registrar of Admissions and Transfer Credit Services is final.

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## Student Appeals Policy

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### 10.3.6 Appeals on Matters of Institutional Procedure or Policy

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An student (appellant) may appeal any decision based upon institutional procedure or policy provided that the policy allows for an appeal. The appellant may ask that the decision be rescinded, or that it be varied.

The appeal on the application of University policy or procedure shall result in one of three possible outcomes:

1. the decision remains the same,
2. the decision will be rescinded, or
3. the decision will be varied.

#### **10.3.6.1 Step One – Appeal to Unit Supervisor/Coordinator**

An appellant who is dissatisfied with any decision based upon institutional procedure or policy, provided that the policy allows for an appeal, must contact the unit supervisor/coordinator where the initial decision was made to discuss the decision before an appeal is made. Such contact must be made within thirty (30) days of the notification of the decision.

#### **10.3.6.2 Step Two – Appeal to Department Head**

An appellant who is not satisfied with a Step One decision may appeal the decision in writing to the head of the department, or designate, of the unit where the original decision was made, within thirty (30) days of notification of the decision. The written appeal must identify precisely the decision(s) the appellant wishes to have reconsidered. All supporting documentation or evidence that the appellant wishes to have considered must be submitted at this stage of the appeal.

The department head (or designate) shall review the case and any supporting documentation that has been submitted, and may consult with faculty members, committee members, staff members, program directors, the appellant concerned, or other persons as considered appropriate. After a thorough investigation of the circumstances and particulars of the case, the department head (or designate) shall inform the appellant in writing of the decision, within thirty (30) days of receiving the appeal.

#### **10.3.6.3 Step Three – Appeal to Student Academic Appeals Committee**

An appellant who is not satisfied with a Step Two decision may appeal a decision based on institutional procedure or policy, provided that the policy allows for an appeal, by submitting a letter of appeal to the Chair of the Student Academic Appeals Committee within thirty (30) days of receiving written notification from the department head (or designate). The letter of appeal must specify in detail the reasons for making a further appeal.

The Chair shall review the case, consulting with staff, faculty, the appellant concerned, or any other person considered appropriate, providing it is practical to do so.

The Chair may:

1. present the appeal to the Student Academic Appeals Committee for consideration and review, or
2. decline to proceed if sufficient grounds have not been established.

In cases where the appeal has been presented to the Student Academic Appeals Committee for consideration and review, the committee may consult with the Appellant if desired or delegate the Chair to consult with the Appellant in the event the Appellant is not available at the time of the committee's review of the appeal. The Chair shall inform the Appellant, in writing, of the Committee's decision within thirty (30) days of receiving the appeal. The decision of the Committee is final.

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## Student Appeals Policy

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### 10.3.7 Appeals of Penalties Arising from the Academic Misconduct Policy

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The Student Academic Misconduct Policy provides rights and procedures for appeal to the Student Academic Appeals Committee.

An appeal from the assignment of a penalty for academic misconduct can be based on the following:

1. denial that the offence occurred, or
2. the appellant believes the assigned penalty is too severe.

The appeal on the assignment of penalties from the Student Academic Misconduct Policy shall result in one of three possible outcomes:

1. the penalty remains the same,
2. the penalty is altered to one that is either less or more severe in nature, or
3. the penalty is rescinded.

#### **10.3.7.1 Step One – Consult Policy**

Appellants who wish to avail themselves of these rights are expected to be familiar with the policy in question and must follow the procedures for appeal as outlined below.

#### Academic Misconduct Policy and Disciplinary Procedures

#### **10.3.7.2 Step Two – Appeal to Student Academic Appeals Committee**

An Appellant may appeal a penalty by submitting a letter of appeal to the Chair of the Student Academic Appeals Committee within thirty (30) days of receiving notification of the decision. This letter must specify in detail the reasons for making a further appeal and the remedy the Appellant is seeking.

The Chair shall review the case, consulting with staff, faculty, the Appellant concerned, or any other person considered appropriate, providing it is practical to do so. The Chair shall then present the appeal to the Student Academic Appeals Committee for consideration and review.

The Chair may:

1. present the appeal to the Student Academic Appeals Committee for consideration and review, or

2. decline to proceed if sufficient grounds have not been established.

In cases where the appeal has been presented to the Student Academic Appeals Committee for consideration and review, the committee may consult with the Appellant if desired or delegate the Chair to consult with the Appellant in the event the Appellant is not available at the time of the committee's review of the appeal. The Chair shall inform the Appellant, in writing, of the Committee's decision within thirty (30) days of receiving the appeal. The decision of the Committee is final.

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## Student Appeals Policy

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### 10.3.8 Student Academic Appeals Committee Written Appeal

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A written appeal can be sent via a formal letter to the Chair of the Student Academic Appeals Committee by fax, by post or by email.

#### **10.3.8.1 Appeals to the Student Academic Appeals Committee can be addressed as follows:**

Chair, Student Academic Appeals Committee  
c/o Office of the Registrar  
1 University Drive  
Athabasca, AB T9S 3A3

Fax: (780) 675-6174

E-mail: [registrar@athabascau.ca](mailto:registrar@athabascau.ca)

#### **10.3.8.2 All appeals to the Student Academic Appeals Committee should be addressed to the Chair of the committee and contain the following information:**

1. The student's (appellant's) name
2. The appellant's student ID number
3. The appellant's return mailing address
4. What is being appealed. If the appeal is in relation to a grade, then the course name and number must be included. If the appeal is in relation to a policy, then the policy must be identified.
5. Full details regarding the grounds for appeal and copies of all supporting documents.
6. The signature of the appellant. If the appeal is being sent by email, it must be sent as a PDF attachment and contain the appellant's signature.

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## Student Appeals Policy

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### 10.3.9 Time Limits

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Time limits for submitting appeals under the Student Appeals Procedures are mandatory and must be adhered to. Failure by an Appellant to submit an appeal within the time limits set out therein shall result in the Appellant forfeiting the right to appeal. The Chair of the Student Academic Appeals Committee, the Dean (or designates), or the Department Head (or designates) may, in their sole discretion, extend the time limit for the processing of an appeal of an Appellant where they consider an extension appropriate under the circumstances.

#### 10.3.9.1

In all cases the time limit for submission of any appeal shall commence when the Appellant first becomes aware of the decision which they wish to appeal. Where notification of the decision has been sent to the Appellant by the University by mail, the time limit commences when the Appellant receives, or has been deemed to have received, the notification, whichever occurs first. Notification of a decision sent by mail to the last known address of the appellant is deemed, in the absence of evidence to the contrary, to have been received by the Appellant ten (10) business days after mailing if sent to an Alberta address and twenty (20) business days if sent to an address outside Alberta. Registered mail signed for by or on behalf of an Appellant is deemed to have been received on the day it was signed for.

Where notification has been sent to the Appellant by the University through electronic means (e-letter, email, etc.), the time limit commences on five (5) business days from the date the electronic communication was generated.

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#### **Procedure:**

Student Appeals Procedure

#### **Approved By:**

Original: Academic Council (Motions 71.4 and 71.5) 17 January, 1989

#### **Amended Date/Motion No.**

April 29, 2009 (Academic Council motion 217-7)

November 3, 2004 (Academic Council motion 185-16)

February 1991 (Revised)

January 22, 1997 (Motion 134-7)

**Related References, Policies, and Procedures:**

Student Academic Misconduct Policy

**Applicable Legislation/Regulation:**

The Canadian Charter of Rights and Freedoms

Alberta Freedom of Information and Protection of Privacy Act

**Responsible Position/Department:**

Registrar

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