ACADEMIC PROGRESS COMMITTEE RULES OF PROCEDURE

Smith School of Business
Master of Business Administration, Master of Management, and Graduate Diploma Programs
Adopted by Faculty Board September 12, 2017

Rules of Procedure
The following Rules of Procedure apply to the General Proceedings, Appeal Hearings ("Hearings"), Decisions, Post-Hearing and Record-Keeping matters of the Master of Business Administration, Master of Management and Graduate Diploma Academic Progress Committee ("MBA/MOM APC").

These Rules of Procedure shall be interpreted liberally to facilitate the just, expeditious and cost-effective determination of every proceeding on its merits.

The Terms of Reference for the MBA/MOM Academic Program Committee are available in a separate document.

General Rules
The following rules of apply to proceedings before an APC Hearing Panel ("Panel"): Panel Decisions will be Made in Accordance with Relevant School Regulations and Policies
The Panel will adhere to the relevant program Academic Regulations as well as policies and procedures of the School and Queen's University.

All Appeals are to be Heard by the Panel in Camera
To protect the privacy and confidentiality of students, Panel meetings and Hearings are closed to the public.

Hearings are not normally recorded, unless a special request is made by the appellant in advance of the Hearing. In such a case, the Chair of the Panel ("Chair") will decide whether to record the Hearing. The Chair may also wish to record a Hearing, and will inform the parties of the intention to do so in advance of the Hearing. Any transcripts of a Hearing will be provided to either party upon request, in which case a copy will also be provided to the other party. Transcripts must be treated as confidential. There will be no recording of the Panel’s deliberations. Participants may take their own notes during the Hearing. All such notes are transitory and are not considered to be University Records.

No Member will Participate in the Deliberations or Final Decision of the Panel Unless Present for the Entire Appeal Hearing
Supplementary Rules of Procedure
As needed, the Chair has the power to issue such supplementary rules of procedure as may be necessary to govern the conduct of an Appeal.

The Panel has No Power to Compel Any Person to Attend a Hearing
The Chair may request the participation of parties and witnesses, but it has no power to compel participation.

Appeal Hearing
A student wishing to appeal an academic decision made at the Program level has a right to a Hearing before an APC Hearing Panel. In such a case, the student has seven (7) days

1 See the Queen’s University Policy on Transitory Records (https://www.queensu.ca/accessandprivacy/guidance/transitory-records/)
Transitory Records are created or received by the University in the course of conducting its activities, but have no ongoing operational, informational, evidential or historical value. Usually transitory records have an immediate or short-term value, pertaining to an immediate task or minor transaction. They can exist in any format or medium. An example is an e-mail confirming attendance at a meeting.

No Conflict of Interest
In cases where an APC member has, or may be reasonably perceived to have, a conflict of interest with respect to a specific case, that individual may not serve on the APC Panel in connection with that case.

 Normally, having taught the appellant in a class that is neither directly the subject of the appeal nor indirectly the subject of the appeal is not considered a conflict of interest and does not require that the APC member recuse themselves. A conflict of interest may be present if: there is a relationship between the APC member and the student (such as a consulting or family relationship); the APC member has an interest in the outcome of the decision; the APC member has pre-judged the case; the APC member was involved in an earlier stage of decision-making.
In cases where a conflict is unclear, the remaining members of the APC will determine if the member should be recused.

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1
following the date of the Program's decision to provide the APC Co-Chair with written confirmation that they wish to appeal the Program's decision (“Notice of Appeal”).

Written Submissions

After indicating their intention to appeal, the student will have a further 14 days following the date on their Notice of Appeal to provide the APC Co-Chair with a full written Submission.

1. The Student's Submission: The student's Submission should outline their situation, include any and all pertinent evidence, a list of any witnesses the student intends to bring to the Appeal Hearing, and the student's desired remedy for the situation.

2. The Director's Submission: The Co-Chair of the APC will share the Student's Submission with the Program Director, who will have seven (7) days following receipt of the Student's Submission to respond with their own written Submission if they wish. The Program Director's Submission should include the reasons for their decision, any pertinent evidence, and a list of any witnesses they intend to bring to the Appeal Hearing.

3. The Student's Response: The Program Director's Submission will be shared with the student who will have seven (7) days following receipt of the Director's Submission to submit a final written Statement to the APC Co-Chair if they wish.

Note that in complex cases, additional time may be required. The Co-Chair has the power to make exceptions to the stated timeframes as appropriate based on the complexity of the case. Parties must make requests for additional time to the Co-Chair as soon as they determine the need for additional time.

The Proceeding

Following the receipt of all written Submissions, the Co-Chair shall appoint the members of the Hearing Panel and schedule the Appeal Hearing. The student shall be given sufficient notice of the date, time and location of the Hearing, as well as the names of all participants, and their role, in the Hearing.

The Hearing will be conducted in an appropriate space.

1. The student has the right to appear in-person, electronically, or to opt not to appear at the Hearing.
2. A Hearing may proceed and a decision made without additional input from the student in cases where the student opts not to appear at their Hearing.
3. The student has the right to representation, including a Dispute Resolution Advisor from the Ombudsman's Office and/or legal counsel and/or other agent (all at the student's own expense) at the Appeal Hearing. The student may make oral submissions or their representative may make submissions on their behalf. The student must inform the Chair of the name and role of any representatives in advance of the Hearing.
4. Normally the Program Director or their delegate will attend the Hearing and make oral submissions. The Program Director may also bring representation who may make submissions on their behalf.
5. Other witnesses will be asked to participate in the Hearing as deemed necessary by the Chair. Witnesses are individuals who have first-hand knowledge of the matters at issue in the Appeal Hearing; the evidence of ‘character’ witnesses will not normally be received by the Panel. Each party shall have an opportunity to question witnesses. The Chair can limit questioning of a witness if the Chair believes the questioning is irrelevant.
6. The Chair shall determine what evidence is admitted as part of the Hearing. The Chair shall normally apply a relevance approach to such determinations. The Chair has the right to exclude evidence that is deemed irrelevant, repetitive or otherwise inappropriate.
7. If, during the course of the Hearing, the Chair decides that more information is required in order to clarify a matter, the Chair may adjourn the Hearing to permit the relevant parties to bring forward such information or facts or to permit the Panel to obtain such information.
8. The Chair may decide to adjourn the Hearing at the request of a party if the Chair believes that a party may be unfairly prejudiced should the Hearing proceed.
9. The Panel has the right to seek confirmation and/or verification of any evidence, claims, or submissions made by any participants in the Hearing; should it be determined that false information was provided to the Panel, the matter may be investigated under the Smith School of Business Academic Integrity Policy.

Notes:

1 Hearing Panels shall normally consist of a minimum of three APC members and a maximum of all APC members based on availability and any conflict of interest issues.
2 A relevance approach provides that evidence should be accepted if it is deemed to be relevant to the matter before the Panel.

The Decision

After hearing all the evidence, the Panel shall deliberate in camera. The deliberations of the Panel are confidential.

Following deliberations, the Panel may:

1. Dismiss the Appeal and uphold the original decision of the Program. In the case that the student be required

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to withdraw, a formal letter advising the student of the requirement to withdraw will be issued; or,

2. Allow the Appeal and grant the remedy requested by the Student; or,

3. Allow the Appeal in part and modify the Program’s original decision, and impose an appropriate sanction. This may include:
   • Imposing specific conditions under which the student will be permitted to continue in the Program and/or any requirements the student must meet, including the timelines within which such conditions and/or requirements must be met;
   • Requiring the student to:
     • complete additional work;
     • repeat an exam, paper, or course;
     • achieve a minimum grade(s);
     • provide evidence of fitness to continue in the Program;
   • Placing the student on Academic Probation until the student satisfies all conditions and/or requirements within the timeline(s) set by the Panel.

4. Impose other terms and/or conditions as may be appropriate for the specific situation.

The Panel may not award financial compensation to a student.

The Panel’s Decision shall be communicated to the student within seven (7) days, or within a reasonable time as demanded by the complexity of the case, via a Decision Letter from the Panel Chair. The Decision Letter will include the reasons for the Decision, information about the next level of appeal, to whom to address an appeal, and information about the availability of the support of the Office of the University Ombudsman.

The Panel’s Decision Letter shall be the official record of the Appeal. The Decision Letter will include the effective date of any actions to be taken by the Program (see section 4).

Post-Proceeding Matters

In accordance with the Senate Policy on Student Academic Appeals (https://www.queensu.ca/secretariat/policies/senate/student-academic-appeals-policy/), section 35, the student is normally entitled to exhaust all levels of appeal before sanctions are applied, except in the rare case where an academic unit determines that the interests of third parties may be prejudiced by the continued enrolment of a student in a course or program. In such a case, the Panel will determine if the student may do so, having regard for the need to protect the interests of the third party/parties.

The Panel shall address the effective date of any actions and/or sanctions in the Decision Letter.

Record Management

Appeal Records consist of all documents filed by the parties, the recording, if any, of the Appeal Hearing(s), the transcript, if any, of the recording, and the Decision Letter issued by the Panel.

Responsibilities of the Co-Chair

The APC Co-Chair or delegate is responsible for collecting and distributing Appeal Records. The Co-Chair shall handle such records in a secure manner which protects the confidentiality of the documents.

Following an Appeal Hearing and issuance of the Decision Letter, the Panel Chair shall collect the files and any notes made during the Hearing by Panel members. All such notes are transitory and are not considered to be University Records. They form no part of the Appeal Record and shall be destroyed immediately following the issuance of the Panel’s Decision.

Records Retention Schedules

Once the Panel renders its decision:

1. The Decision Letter is the official record of the Decision, a copy of which shall be kept by the APC Co-Chair, the Program Director and in the Dean’s Office.

2. Original Appeal Records are to be kept by the APC Co-Chair for one (1) year following the date on which the student has exhausted all levels of appeal at the University, or, for one (1) year following the expiry of the deadline for the student to pursue an appeal, whichever occurs first.

3. Transitory records may be destroyed

4. Duplicated records will be destroyed

Appeals of these decisions are made to the Academic Appeals Committee.