

# BOARD OF STUDIES: POLICIES AND PROCEDURE

*Information about Membership and Terms of Reference can be found in the By-Laws of the Faculty of Arts and Science (in particular, By-Law Number 2 Standing Committees of the Faculty Board).*

## 1. Jurisdiction

- 1.1. The Board has jurisdiction over all academic matters, except those involving issues of academic integrity or academic misconduct, related to appeals involving students registered in the Faculty of Arts and Science.
- 1.2. The Board shall serve as a true appeal board, which is not empowered to substitute its own decision for that of the Associate Dean (Studies), but rather is required to review the decision of the Associate Dean (Studies) based on the same information available to the Associate Dean (Studies) at the time the decision was made.

In this context, the Board shall:

- review the circumstances of an appeal;
  - ensure that there was procedural fairness;
  - ensure that there was appropriate consideration of extenuating circumstances;
  - uphold the academic policies and principles reflected in the Faculty regulations;
  - determine if the decision of the Associate Dean (Studies) was reasonable;
  - refer all cases back to the Associate Dean (Studies) upon the receipt of any new evidence which may alter the original decision; and
  - render a decision.
- 1.3. The Board may uphold the Associate Dean's decision, grant the student's appeal or modify the original decision (subject to cautions noted in [3.4. The Decision](#)) which must be within the scope of the Faculty Regulations and which should also be consistent with previous Faculty decisions.

## 2. Information Sessions

Each year, the Chair of the Board, with support from the Secretary of the Board, will hold at least one informational meeting to ensure Board members are familiar with the Faculty regulations, the appeal process, Board policies and procedure, and the Board's recent decisions.

The Chair may extend an invitation to observers including but not limited to the Associate Dean (Studies), University Ombudsperson, and University Counsel, who may attend the informational meeting to update themselves on the operations of the Board and to contribute their expertise and perspectives as requested.

### **3. Rules of Procedure**

#### **3.1. General Rules**

- 3.1.1. The Board shall make its decisions in accordance with Faculty Regulations.
- 3.1.2. All appeals are to be heard in camera by the Board.
- 3.1.3. In cases where a Board member knows the student or is otherwise familiar with any circumstances which may be perceived as a conflict-of-interest regarding the appeal, that individual may not serve as a Board member at the appeal hearing.
- 3.1.4. No member shall participate in the deliberations of the Board unless present at the entire hearing.
- 3.1.5. As needed, the Chair shall have the power to issue such supplementary rules of procedure to govern the conduct of a hearing.
- 3.1.6. The Board has no power to compel any person to attend a hearing.

#### **3.2. Pre-Hearing Rules**

- 3.2.1. A student who wishes to appeal an academic decision by the Associate Dean (Studies) to the Board shall file the appeal with the Student Services Office of the Faculty of Arts and Science.
- 3.2.2. The student must submit an appeal, in writing, within 21 calendar days of receiving the decision of the Associate Dean (Studies).
- 3.2.3. As part of an appeal, a student should:
  - fill out the Appeal to the Board of Studies form;
  - indicate on the appeal form whether she or he intends to appear before the Board;
  - submit a brief letter to address the written statement of the Associate Dean (Studies) in denying the appeal (no new information should be presented to the Board – in such cases, the appeal will be returned to the Associate Dean (Studies) for reconsideration); and
  - indicate if she or he will bring a representative to the hearing and advise who that representative will be.
- 3.2.4. The Associate Dean (Studies) may file an additional submission responding to the student's letter of appeal to the Board. Such a response must be filed within 10 calendar days of receipt of the appeal by the Faculty Office. Any such response shall be forwarded to the student. If the student wishes to reply in writing, the reply must be submitted within 10 calendar days of receipt of the response.

- 3.2.5. The Secretary of the Board will:
- acknowledge receipt of the appeal;
  - refer the student to the Office of the University Ombudsman;
  - collect all materials relevant to the appeal file for the use of all parties and the Board;
  - supply the student with a copy of the appeal file and these rules of procedure;
  - allow 10 calendar days for the student to acknowledge that he/she has seen the contents of the appeal file; and
  - set a hearing date for the Board.
- 3.2.6. After setting a hearing date, the Secretary of the Board shall give the student notice of the hearing.
- A notice of hearing shall include:
- a statement of the time, place and purpose of the hearing;
  - a list of Board members who are expected to hear the student's appeal; and
  - a statement that if the student notified does not attend the hearing the Board may proceed in the student's absence and the student will not be entitled to any further notice in the proceeding.
- 3.2.7. In the event that the student indicates that he or she intends to appear before the Board, or the Board asks the student to appear, the Associate Dean (Studies) will also be advised of the appeal and the hearing date and will be present at the hearing as a party to the proceedings.

### ***3.3. The Appeal Hearing***

- 3.3.1. Board members will have access to the student's appeal file, which will contain the following materials:
- an Appeal to the Board of Studies form;
  - a letter of response written by the student to the decision of the Associate Dean (Studies);
  - the decision letter sent to the student by the Associate Dean (Studies) and any additional submissions by the Associate Dean (Studies);
  - all documents used by the Associate Dean (Studies) in arriving at the previous decision; and
  - a copy of the student's most recent transcript.
- 3.3.2. While the student has the right to appear before the Board, it is not required that he or she must do so. If the student wishes to appear at the hearing, he or she may be represented by counsel or an agent. The student (or his or her representative) may make an oral submission which will usually be no more than 10 minutes in length.
- 3.3.3. If the student wishes to appear at the hearing, the Associate Dean (Studies) will also be present. The Associate Dean (Studies) may also be represented by counsel or an

- agent, should the student choose such representation. The Associate Dean (Studies) (or his or her representative) may also make an oral submission which will usually be no more than 10 minutes in length.
- 3.3.4. At a hearing at which the student has appeared, members of the Board may ask questions of the student or the Associate Dean (Studies). However, there shall be no witnesses at these hearings.
  - 3.3.5. The Chair may not admit new evidence at the hearing, including any documents or other subject matter that is not part of the existing appeal file. If the student raises new evidence, the appeal shall be referred back to the Associate Dean (Studies) for reconsideration.
  - 3.3.6. If, during the course of any hearing, the Board decides that information is required in order to clarify the matter, the Chair may adjourn the hearing to permit the relevant parties to bring forward such information or facts or to permit the Board to obtain such information.
  - 3.3.7. The Board may decide to adjourn the hearing at the request of a party when it believes that a party may be unfairly prejudiced should the hearing proceed.

#### ***3.4. The Decision***

After hearing all evidence, the Board shall either:

- uphold the Associate Dean's decision;
- grant the student's appeal; or
- modify the original decision which must be within the scope of the Faculty Regulations and which should also be consistent with previous Faculty decisions.

When considering the appropriateness of modifying the original decision, the Board shall take guidance from Section 19(b) of the [Queen's University Senate Policy on Student Appeals, Rights & Discipline](#). The Board's power to modify the original decision "shall be exercised judiciously and with restraint, having regard to the interests ... of other students" and the Faculty.

#### ***3.5. Post-Hearing Rules***

Within 21 days of a hearing, the Board shall give its decision and its supporting reasons to the parties in writing.

The decision shall also advise that the student has a right to appeal, in writing, to the University Student Appeals Board (USAB) within two weeks of receipt of the Board's decision. It shall also refer to the Office of the University Ombudsman as a resource for information and advice.