

OFFICE of the UNIVERSITY Ombudsperson

APPEALING AN ACADEMIC INTEGRITY (AI) DECISION

Queen's students, faculty, and staff all have responsibilities, through the [Senate Policy on Academic Integrity](#) for supporting and upholding the fundamental values of academic integrity: honesty, trust, fairness, respect, responsibility and courage. The [Senate Policy on Academic Integrity Procedures](#) outlines certain procedural requirements of Faculties & Schools surrounding any investigation into an academic integrity concern. While there are slight variances between Faculties & Schools all students must have an opportunity to appeal an academic integrity decision, should they meet the **grounds**.

GROUNDINGS FOR AI APPEAL

What can be appealed? Students may appeal the finding, the sanction, or both.

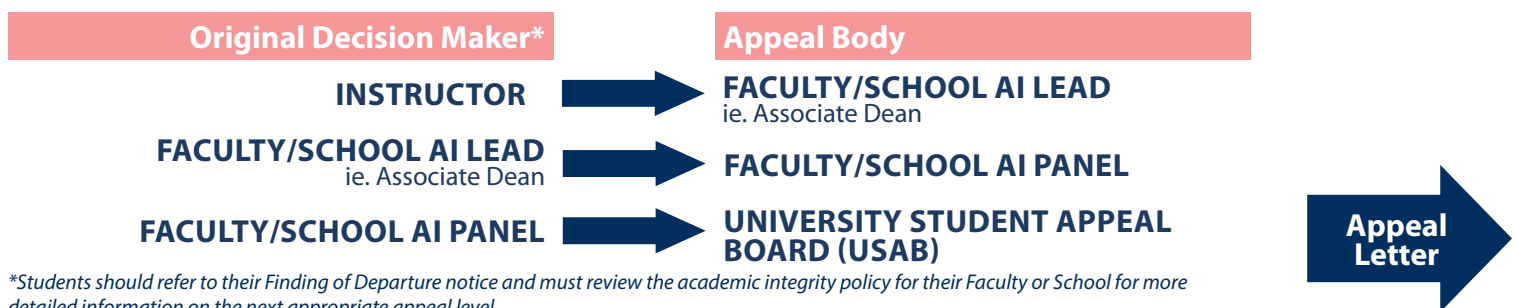
Review Section 4: Appeals of the Senate Academic Integrity Procedures - Requirements of Faculties & Schools.

The grounds for submitting an appeal are **limited** to cases in which a student is able to establish:

1. A breach of [procedural fairness](#), which could include such things as failing to:
 - Permit a student to be heard by an unbiased decision-maker.
 - Follow applicable rules, regulations, or university policy in a way that adversely affected a student's right to a fair process.
 - Make a reasonable decision. A "reasonable" decision is one that is rational in that its findings are based on evidence, thought out and supported by facts and logical inferences from findings of fact. To be reasonable, the decision must contain adequate reasons for the conclusions. A decision should not be overturned if it falls within a range of possible, acceptable outcomes. If the decision is "reasonable", the decision-maker deciding the appeal is not permitted to substitute their opinion for that of the decision-maker whose decision is under appeal.
2. The decision-maker whose decision is being appealed acted without, or exceeded their, jurisdiction. (e.g. an instructor imposes a sanction which is only available to the School AI Lead, such as a requirement to withdraw.)

LEVELS OF AI APPEAL

Each Faculty or School regulation or procedure with respect to academic integrity matters sets out their own levels of appeal. In addition to the level(s) of appeal within each Faculty or School, the [Senate Student Academic Appeals Policy](#) establishes the University Student Appeal Board (USAB), with jurisdiction to hear appeals of the **final** academic integrity decision made within each Faculty or School. Generally, the appeal levels are as follows*:



*Students should refer to their Finding of Departure notice and must review the academic integrity policy for their Faculty or School for more detailed information on the next appropriate appeal level.

YOUR IMPARTIAL RESOURCE PROMOTING FAIRNESS AT QUEEN'S
queensu.ca/ombuds



FILING THE AI APPEAL TO FACULTY OR SCHOOL

If you are confident your appeal does indeed meet one of the **grounds** for appeal, you will need to submit your appeal within **10 business days** of the date that the Finding of Departure form was e-mailed by the decision-maker. If a decision on remedy or sanction was referred to the AI Lead the appeal cannot be submitted until a remedy or sanction is assigned. In such cases, the appeal must be submitted within 10 business days of the date that the notice of the remedy or sanction imposed was emailed to the student by the AI Lead.

The submission of the appeal generally includes the following:

- A copy of the Finding of Departure form that states the remedy or sanction decision
- A written appeal letter explaining the reasons for your appeal and the ground(s) for appeal
- Any additional supporting documents

If the appeal contains **new evidence** that is permitted, the appeal decision-maker shall have no jurisdiction over the appeal and shall send the matter back to the **previous** decision-maker for reconsideration, unless:

- the delay of sending the matter to the prior decision-maker would be unduly prejudicial to the student; or
- the student's new evidence clearly demonstrates bias in the prior proceeding that otherwise cannot be remedied.

**Students should refer to the academic integrity policy for their Faculty or School for more detailed information on submitting the appeal.*

THE AI APPEAL LETTER

This letter is not a re-telling of the case, but your opportunity to identify what was faulty in the process followed by the previous decision-maker(s).

1 Introduction

Consider who your audience is and provide an opening introduction in a short paragraph that summarizes your concern. This section should state clearly whether you are appealing the finding, the remedy or sanction, or both. A meeting is part of this process, but you may indicate you do **not** want to meet, and proceed based on written submissions only.

2 Grounds for Appeal

This section should provide a clear and concise explanation that summarizes **what** the reason(s) for appeal are and also clearly identifies the ground(s) for your appeal.

Your appeal letter should begin by saying what you're appealing and provide a brief summary as to what the **ground(s)** are. Note that you will go into more detail when speaking about the underlying facts you have to support the ground(s).

For example, if you decide to appeal because you feel there was a breach of procedural fairness, you would say "I am appealing the academic integrity finding and sanction that resulted in my grade of zero on the grounds of a breach of procedural fairness," and then briefly explain what was the breach of procedural fairness. Ensure you review the flip-side of this document to understand what a breach of procedural fairness could include.

3 Underlying Facts

This section would detail the facts that support the ground(s) of appeal that have been identified. This can be thought of as the "**how**" of the appeal letter. For example, if a breach of procedural fairness occurred due to a biased decision-maker, you would include the facts that support **how** the decision-maker was biased in making the decision.

Appeal
Process

OFFICE of the UNIVERSITY Ombudsperson

AI APPEAL PROCESS FLOWCHART

For more detailed information, review **Section 4: Appeals** of the [Academic Integrity Procedures - Requirements of Faculties & Schools](#)

1 Submit Appeal (Sec. 4.3.1)
Within 10 days of the date that the Finding of Departure form was e-mailed to the student

2 Initial Review by the Appeal Decision Maker (Sec. 4.3.2)
The appeal decision-maker shall review the student's appeal submission and determine if it contains new evidence that, through no fault or omission of the student, was not known by or available to the student when the prior decision was made. No other new evidence shall be permitted.

3 Appeal Contains No New Evidence

- The appeal decision-maker will provide the instructor with a copy of the student's appeal submission and the instructor will provide a written response to the submission within **10 business days**.
- The student must be provided with any response material from the instructor and shall have at least **5 business days** to review this material before a meeting is held.
- If in the appeal submission the student indicated they did not want to meet, they shall instead have **5 business days** after receiving the instructor's response material to make additional written submissions to the appeal decision-maker.

OR

Appeal Contains New Permitted Evidence
If a student's appeal contains new evidence that is permitted, the appeal decision-maker shall have no jurisdiction over the appeal & the matter is sent back to the previous decision maker..



Matter is sent back to previous decision maker unless:

- the delay of sending the matter to the prior decision-maker would be unduly prejudicial to the student; or
- the student's new evidence clearly demonstrates bias in the prior proceeding that otherwise cannot be remedied.

4 Meeting With the Student (Sec. 4.3.3)
In most cases the appeal decision-maker will convene a meeting with the student, the instructor, and any witnesses, to conduct a thorough review of the evidence; this will be scheduled as soon as reasonably possible. The student and the instructor may have a support person or an advisor present at the meeting. The AI Administrator shall advise the student what material will be considered at the meeting and both the student and instructor shall have the opportunity to respond to the evidence orally.

5 Deciding the Appeal (Sec. 4.3.4)
After a careful review of the evidence, the appeal decision-maker, can:

- maintain or overturn the instructor's finding, if the student appealed the finding; and/or
- maintain or modify the remedy or sanction, if the student appealed the remedy or sanction.

6 Informing the Student and the Instructor (Sec. 4.3.5)
Within 20 business days of the date upon which the appeal is considered complete, the appeal decision-maker must provide the student with a written decision, as well as the previous decision-maker (ie. the instructor).

7 Appeal (If applicable) (Sec. 4.4)
A student may appeal the decision of the first-level appeal decision-maker to the second-level appeal decision-maker within 10 business days of the date that the first appeal decision was emailed to the student, using this same process. *(If there is **no** second-level appeal option, a student may appeal the decision to the [University Student Appeal Board](#)).*