

Memorial University of Newfoundland
ACADEMIC COUNCIL OF THE SCHOOL OF GRADUATE STUDIES

By-Laws of the Council
Revised September 21, 2015

A. Meetings

1. Regular meetings of the Council shall take place once each month on the third Monday of the month. The date of a meeting may be changed by the Chair or Vice-Chair for good reasons.
2. Special meetings may be called by the Chair; or, upon petition of 11 members of the Council, shall be called by the Chair or Vice-Chair. Normally, notice of 24 hours must be given to all members.
3. The Secretary shall be responsible for the preparation and circulation of the agenda and minutes of all meetings. All committee reports and recommendations to Council are to be circulated in writing prior to a meeting.
4. Meetings of the Council shall normally be open to observers from the faculty, staff, and graduate student body of the University. Meetings may, however, be closed at any time by simple majority vote of those present.
5. A student whose case is under consideration who appears at a Council meeting as an observer or for whatever purpose, will be required to leave and may not be present while his/her case is under debate or discussion.
6. Regular Council meetings shall commence at 4:00 p.m. and adjourn at 6:00 p.m., except by leave of Council.

B. Standing Committees

All Standing Committees are required to have regular minutes.

(1) Nominating Committee

- (a) There shall be a Nominating Committee charged with the responsibility for preparing lists of nominees for Secretary and for membership on committees, and for recommending terms of reference for *ad hoc* committees created by Council.
- (b) The Committee shall consist of a Chair and three other members, one of whom shall be a graduate student, who shall be elected from the membership of the Council at the May regular meeting of each academic year for the succeeding year, and shall serve for one year. Members shall be eligible for re-election.

- (c) The Committee shall secure the agreement of each candidate to serve, and shall circulate the lists of nominations to Council at least seven days before the election meeting.
- (d) The Chair of Council, or delegate, shall be an *ex-officio* member of all committees.

(2) Executive Committee

- (a) There shall be an Executive Committee which will serve as a screening committee for Council and which is charged with the responsibility for:
 - i. Ensuring that new rules and regulations are compatible with University regulations.
 - ii. Soliciting information and ensuring that resources are available and are documented for new programs.
 - iii. Interdisciplinary programs administered by the School of Graduate Studies.
 - iv. Leaves of Absence
 - v. Waiver of General Regulations
 - vi. Waiver of Degree Regulations
 - vii. Matters referred to it by Council, by the Committees of Council and by the Dean of Graduate Studies.
 - viii. Previewing reports or matters submitted to Council, and preparing documentation for Council debate.
 - ix. Reviewing for submission to Council lists of candidates for post-baccalaureate degrees and diplomas in consultation with the Office of the Dean of Graduate Studies.
 - x. And such other matters as are presented to the Committee concerning graduate studies.
- (b) Regular meetings of the Committee shall take place once each month on the first Tuesday of the month. The date of a meeting may be changed by the Chair or Vice-Chair for good reasons.
- (c) The Committee shall consist of the Dean of Graduate Studies, or delegate, who shall be Chair, and five members, one of whom shall be a graduate student, one of whom shall be the Registrar, or delegate, plus three others, who shall be elected from the membership of the Council at its first meeting in each academic year. Members shall be eligible for re-election.
- (d) The quorum shall be three.
- (e) The Secretary of the Committee, who shall not vote, shall be appointed by the Dean of Graduate Studies from his/her staff.
- (f) The Committee shall have the power to co-opt.
- (g) The Committee may appoint *ad hoc* sub-committees.

(3) Appeals Committee

- (a) There shall be an Appeals Committee.
- (b) The committee shall consist of five members elected from the Academic Council, at least one of whom shall be a graduate student.
- (c) The Dean of Graduate Studies, or delegate, shall be an *ex-officio* non-voting member of the Committee.
- (d) The Committee shall receive appeals addressed to the Chair of the Appeals Committee c/o School of Graduate Studies.
- (e) The Committee shall meet at the call of the Chair.
- (f) The Secretary of the Committee, who shall not vote, shall be appointed by the Dean of Graduate Studies from his/her staff.
- (g) The Committee shall have the power to co-opt.
- (h) Procedures:

The academic Appeal process may include cases by students or faculty relating to the regulations, policies, and procedures of the School of Graduate Studies.

The basic principle governing all attempts to resolve both academic and other types of difficulties is that they ought to be settled at the lowest possible level, and in as informal a manner as possible. However, in cases where such resolution is unsuccessful, the matter should be referred to the Appeals Committee of the School of Graduate Studies.

Not all complaints, dissatisfactions, or grievances, will necessarily go as far as the Appeals Committee of the School of Graduate Studies.

- i. A student who considers himself/herself aggrieved and who suspects that he/she has an academic basis for an appeal should try to settle the difficulty with the individuals immediately concerned;
- ii. If not settled, the problem should then be taken up with the student's supervisor, advisor or tutor;
- iii. If not settled, then with the head of the academic unit responsible;

- iv. If not settled, it is at this stage that the problem should be presented to the Dean of Graduate Studies for resolution;
- v. If not satisfied with the decision made by the Dean, it is then the individual's right to lodge an appeal in writing with the Chair of the Appeals Committee of the School of Graduate Studies, who in turn submits the matter to the Appeals Committee at which point the procedures laid out herein shall be followed.

In the case of a student appealing against termination of program, or in the case in the case of .v. above, the following procedures will be followed.

- i. The appellant will initiate the process by submitting a letter to the Chair of the Appeals Committee, c/o the Office of Dean of the School of Graduate Studies. This letter must outline fully the basis of the appeal and suggestions for resolution. All principal parties will be provided with documentation outlining the nature of and the grounds for the appeal.
- ii. The Chair will convene a meeting of the Committee to review the contents of the letter and make decisions regarding the nature of any additional materials that will be required and the persons to be interviewed.
- iii. All parties will be expected to provide written and/or oral submissions to the Committee. Written material shall be submitted to the Chair of the Appeals Committee, c/o the Office of the Dean of Graduate Studies.
- iv. The appellant will have the right to be the first person interviewed by the Committee. If instructed by the Committee, the Chair may consult with the appellant or others for any clarification deemed necessary. Communication of any nature between the appellant and the other voting members of the Committee either before or after the appeal hearing is not permitted. The appellant may, however, submit pertinent material to the Dean of Graduate Studies at any time. Under section 7 of the Access to Information and Protection of Privacy Act (ATIPPA), a student has a right of access to documentation used by the Committee to come to a decision.
- v. After considering all the relevant information the Committee will vote to decide that the appeal be upheld or denied. The minutes of the Committee shall normally outline the nature of the appeal, indicate who was interviewed and summarize the relevant facts presented to the Committee.

- vi. The Committee may make recommendations regarding the best way to effect a reasonable resolution of any difficulties that might be faced either by the appellant or the academic unit as a consequence of the decision made by the Committee.
- vii. The Chair of the Appeals Committee will transmit the decision of the Committee to the appellant, with a copy of the letter sent to the Head of the appellant's academic unit and the Dean of Graduate Studies. In a case where the appeal has been denied, the appellant will be advised in writing of the reasons for the decision and informed that (s)he has the right to lodge a further appeal with the Executive Committee of the University Senate.
- viii. The Appeals Committee will make every reasonable effort to render the decision on an individual case within 60 days of the receipt of the original letter of appeal.
- ix. Throughout all steps in the appeal process confidentiality will be maintained. The guidelines laid out in the document entitled Guidelines for Confidentiality for the Academic Council's Appeals Committee, School of Graduate Studies shall be followed.

4. Investigations Board

Mandate

- (a) There shall be an Academic Misconduct Investigations Board of the School of Graduate Studies ("the Board").
- (b) The Board shall be governed by the School of Graduate Studies General Regulations on **Academic Misconduct** ("the Regulations") and shall consider allegations of academic misconduct on behalf of Academic Council.

Membership

- (c) The Board shall consist of at least nine and not more than twelve members elected from the Academic Council of the School of Graduate Studies, three of whom shall be graduate students. The term of appointment is for two years and is renewable for a further two-year term.

- (d) The Chair of the Board shall be chosen by a majority vote of all of the Board members.
- (e) The Chair of the Board may request that the Dean appoint an advisor who is not a member of the Board to provide guidance with respect to policy and procedures.
- (f) The Dean, in consultation with the Chair of the Board, shall appoint a non-student investigator from the members of the Board. In exceptional circumstances, the Dean, in consultation with the Chair of the Board shall have the power to appoint as an investigator, on an *ad hoc* and temporary basis, a person from outside the Board where a particular expertise or skill set is required for an investigation; that person's term expires at the conclusion of the specific investigation for which he/she was appointed.
- (g) The report of the investigator shall be considered by a panel of the Board for a decision. A panel shall consist of three members from the Board including the Chair (or delegate), one student member and one non-student member. Membership on the panel shall be at the invitation of the Chair.

Privacy and Natural Justice

- (h) The student shall know all of the allegations made against him/her and given an opportunity to respond to those allegations.
- (i) Neither the investigator nor the members of the panel shall have been involved in any prior decision-making with respect to the matter under investigation or have any conflict of interest, bias or reasonable apprehension of bias.
- (j) Neither the investigator nor the members of the panel shall be from the academic unit from which the allegation originally emanates nor from the academic unit of the student.
- (k) The members of the Board who consider investigations do require substantial information in order to make their decisions. However, the Board also recognizes each student's right to privacy and its obligations, under the Access to Information and Protection of Privacy Act, to safeguard the personal information of anyone involved in the application of these procedures.
- (l) The accused, other students and witnesses will remain anonymous to the panel considering the case.
- (m) Any communications on the issues outside of the process by any parties involved is inappropriate.

- (n) There shall be no undue delay at any stage of the process.

Procedures_

- (o) An allegation is made according to the Regulations to the Dean or his or her delegate, who shall determine if an investigation is required. He/she shall, normally within one week, and in consultation with the Chair of the Board, appoint an investigator. If the Dean or his or her delegate determines an investigation is not required, that person shall notify the student and the person who made the allegation.
- (p) The investigator shall interview separately the accused and accuser and relevant witnesses. At these interviews the investigator, the accuser, the accused and relevant witnesses have the right to be accompanied by a registered student or a member of the Faculty or Staff of the University.
- (q) Upon completion of these interviews, the investigator shall submit a written report of all findings to the Dean. The Dean shall present this report to both the accuser and the accused for perusal and comment. Once in receipt of this report, the accuser and accused shall have two weeks in which to submit to the Dean any additional comments on the report that the person wishes to be considered. The investigator shall be given the opportunity to correct any errors of fact should they arise from the comments of the accused and accuser prior to consideration of the allegation by the Panel.
- (r) Upon receipt of all information from the investigator as well as comments from the accuser and the accused, the Dean shall present the documents, duly anonymized, to the Chair of the Board. The report shall be read by a panel of the Board for a decision.
- (s) The Chair of the Board or delegate shall act as Chair of the panel. The panel shall consider the report of the Investigator and may request clarification or additional information from the investigator. Should the investigator provide additional information not contained in the report, the accused and the accuser shall be given an opportunity to review and comment before the panel considers such information.
- (t) The panel shall determine by a majority vote of members, whether the accused is guilty of the offence (or each offence, if more than one).
- (u) If the accused is found guilty of the offence (or more than one if there are multiple offences) the panel shall then determine by a majority vote of members, the appropriate penalty in accordance with regulations on **Penalties in the Case of Resolution by the School of Graduate Studies.**

- (v) The Chair of the Board shall communicate the decision to the accused and accuser in writing outlining the reasons for the decision and shall provide a copy of the decision to the head of the accused's academic unit and the Dean. In addition, the student shall be advised of his/her right to appeal as outlined in the School of Graduate Studies General Regulations on **Academic Misconduct**.

- (w) The Board shall provide to Academic Council an annual report summarizing the activities of the Board. The report shall include the number assigned to each investigation, the alleged Academic Offence, the academic unit of the student, the decision reached and any penalties applied. The report shall not include information that may identify any persons involved.