

# ACADEMIC REGULATION 21: REGULATION WAIVER REQUESTS AND APPEALS

## 21.1- Introduction

Students may:

- **Appeal** an academic decision based on extenuating circumstances and/or based on a procedural error in the decision-making process; or,
- Request a **waiver** of the application of an academic Regulation (see Academic Regulation 21.7 (p. ) below) based on extenuating circumstances.
- Appeal a finding of a departure from academic integrity (see Academic Regulation 18.4 (<https://www.queensu.ca/academic-calendar/nursing/bnsc-academic-regulations/a-r-18-academic-integrity/>)).

The procedures for appeals and regulation waiver requests are designed to:

1. Ensure that students receive fair treatment and are aware of their rights and responsibilities, and
2. Establish a fair, efficient method of resolving academic discipline matters. Procedures are guided by Queen's University Senate Policies including Senate Policy on Student Academic Appeals (<https://www.queensu.ca/secretariat/policies/senate/student-academic-appeals-policy/>) and by documents specific to health professionals, which are briefly outlined in Appendix C - Additional Policies and Guidelines (<https://nursing.queensu.ca/source/APPENDIX%20C.pdf>).

Students may contact the Office of the University Ombudsperson (<https://www.queensu.ca/ombuds/>) for information about student rights and responsibilities and University policies and procedures.

## 21.2- The Undergraduate Academic Progress and Graduation Committee (UAPGC)

The UAPGC is the delegated authority of Academic Council of the School of Nursing, as approved by the Faculty of Health Sciences Faculty Board, to review and determine academic progress and to decide appeals of academic decisions related to all undergraduate students in the School of Nursing.

UAPGC membership normally consists of 3 to 4 School of Nursing faculty members and 1 student member. The presenting student may, by written direction to the Chair of the UAPGC, choose not to have the student member participate in their matter before the UAPGC. No replacement for the student member will be appointed. The

Chair of the UAPGC may appoint a replacement if any faculty member of the UAPGC:

1. Was the Instructor or Course Coordinator for the course that is the subject matter of the regulation waiver request or appeal; OR
2. Conducted a rereading of academic work that is the subject matter of the regulation waiver request or appeal ('academic work' includes assignments, tests or exams, etc.); OR
3. Made a finding that the student engaged in a departure from academic integrity; AND
4. Their involvement in any of the above raises a reasonable apprehension of bias in a matter before the UAPGC.

The UAPGC has the mandate to explore extenuating circumstances or procedural grounds presented by the student, and if reasonably substantiated, to determine if the circumstances have significantly contributed to an adverse outcome for the student. **The Committee does not have the authority to overturn a grade assigned by an Instructor.**

Where there is agreement within the UAPGC about the merit of an appeal, the Committee has the authority to structure a solution that allows the student to demonstrate course and academic integrity expectations without compromising academic standards. After careful consideration, the Committee may render a decision that modifies the original request by the student to one that is congruent with program and University expectations.

## 21.3- Academic Standards and the Student's Responsibilities

It is incumbent upon the student to keep abreast of their progress throughout each course. The student should be proactive and communicate with the Instructor any extenuating circumstances which, in the opinion of the student, may impede their performance in an assignment, examination, or clinical practice prior to the assignment, examination, or clinical practice rather than waiting until the end of the term. It is the responsibility of the student to retain all assignments, papers, evaluations, and other documents related to course evaluation.

## 21.4- Procedural Fairness

The principles of procedural fairness are intended to ensure that fair procedures have been followed and that there has not been a clear error in the exercise of discretion. These principles will be considered to have been breached when



for example a decision-maker was biased or failed to follow applicable rules, regulations, or university policy, in a way that adversely affected a student's right to a fair process, or acted without, or exceeded, their jurisdiction.

### 21.5 - Extenuating Circumstances

The School of Nursing understands that there may be occasions in which extenuating circumstances, that is circumstances beyond a student's control, adversely impact a student's academic performance.

Extenuating circumstances normally involve a significant physical or psychological condition(s) that substantially impeded a student's academic performance, **and which were beyond the student's control**. These kinds of extraordinary situations must be supported by satisfactory documentation from an appropriate professional (medical doctor, nurse practitioner, psychiatrist, psychologist, counsellor, etc.).

Supporting documentation does not need to provide a diagnosis of the condition(s) affecting the student but must specifically address the student's symptoms, restrictions and limitations and explain how/why they substantially impeded the student's academic performance. Information is also required about the onset, duration, present state of, and, if ongoing, the student's management plan to address the extenuating circumstances. The documentation must substantiate that the student is well enough to carry on with academic studies should the appeal be granted.

### 21.6 - Appeal of an Academic Decision

Students may file an appeal of an academic decision based on an alleged **breach of procedural fairness** and/or **extenuating circumstances**. The appeal does not compensate for extenuating circumstances that the student is unable to resolve, or for which the student is unwilling to actively seek accommodation. In addition, the appeal process does not compensate for extenuating circumstances that are actively being accommodated, for example where a student's disabilities are being accommodated through Queen's Student Wellness Centre (Accessibility Services). Multiple appeals citing the same extenuating circumstances will be reviewed very closely. This review may include consultation with the appropriate professionals involved to obtain more detailed information. For an appeal to succeed, there must be convincing evidence that the principles of procedural fairness were breached and/or the extenuating circumstances significantly impeded the student's academic performance **and** will be resolved within a reasonable timeline or will be appropriately managed on an ongoing basis.

#### 21.6.1- Levels of Appeal

There are 3 levels of appeal for undergraduate students in the School of Nursing.

#### Level 1: Appeal to the UAPGC Chair

The timelines, the grounds, and the procedures, for filing an appeal with the UAPGC are set out in the sections below based on the nature of the appeal.

The appeal will be heard by the UAPGC. If the academic decision is upheld by the UAPGC and/or the student does not accept the structured remedy (if offered), the student may appeal to the Faculty of Health Sciences Student Appeal Board.

#### Level 2: Appeal to the Faculty of Health Sciences Student Appeal Board

The timelines, the grounds, and the procedures, for filing an appeal with the Faculty of Health Sciences Student Appeal Board are set out in **SECTION D** of the Faculty of Health Sciences Student Appeal Board, Undergraduate Programs: Terms of Reference and Appeal Procedures (<https://healthsci.queensu.ca/source/Faculty%20Policies/Faculty%20of%20Health%20Sciences%20Student%20Appeal%20Board%20Terms%20of%20Reference%20and%20Appeal%20Procedures%202022.pdf>).

#### Level 3: Appeal to the University Student Appeal Board

Decisions of the Faculty of Health Sciences Student Appeal Board may be appealed to the University Student Appeal Board (USAB) on the grounds, and in accordance with the procedures, set out in the Senate Policy on Student Academic Appeals (<https://www.queensu.ca/secretariat/policies/senate/student-academic-appeals-policy/>).

#### 21.6.2- Appeal of a Final Grade (Theory Course)

Students who believe their academic performance in a theory course was affected by a breach of the principles of procedural fairness and/or extenuating circumstances may appeal the final grade (see Academic Regulation 21.2 (p. ) for the mandate of the UAPGC). Appeals must be submitted, in writing, to the Chair of the UAPGC with the required material (see Academic Regulation 21.6.6 (p. )). It is the responsibility of the student to preserve all assignments, papers, reports, and other graded material for the course and to submit a file of all relevant documents with the appeal. Students should be aware that the remarking of documents may result in a lower grade than their initial grade. The written appeal must be received no later than **10 business days** after final marks have been released by the Registrar's Office. Subject to Academic Regulation 21.6.6.6 (p. ) below, if the student fails to file their appeal within the **10 business day** deadline, their right to appeal is forfeited.

#### 21.6.3- Appeal of a Final Grade (Clinical Course)

Students who believe their academic performance in a clinical course was affected by a breach of the principles

of procedural fairness and/or extenuating circumstances may appeal the final grade (see Academic Regulation 21.2 (p. ) for the mandate of the UAPGC). Appeals must be submitted, in writing, to the Chair of the UAPGC with the required material (see Academic Regulation 21.6.6 (p. )). It is the responsibility of the student to preserve all assignments, papers, reports, and other graded material for the course and to submit a file of all relevant documents with the appeal. The written appeal must be received no later than **5 business days** after receiving the grade from the Instructor. Subject to Academic Regulation 21.6.6.6 (p. ) below, if the student fails to file their appeal within the **5 business day** deadline, their right to appeal is forfeited.

The student may not go into the next clinical course until the appeal has been resolved.

**21.6.4- Appeal of a Finding of Departure from Academic Integrity** (see Academic Regulation 18 (<https://www.queensu.ca/academic-calendar/nursing/bnsc-academic-regulations/a-r-18-academic-integrity/>))

**21.6.5- Appeal of a Decision from Professional Behaviour Policy**

Students may appeal the decision or finding to the Chair of the UAPGC no later than **10 business days** after receiving the official finding in writing. Subject to Academic Regulation 21.6.6.6 (p. ) below, if the student fails to file their appeal within the **10 business day** deadline, their right to appeal is forfeited.

### 21.6.6- Appeal Submission

**21.6.6.1-** The student must submit the following material to the Chair of the UAPGC by the required deadline as part of their appeal submission:

1. Completed Appendix D: School of Nursing Regulation Waiver Request and/or Appeal Form (<https://nursing.queensu.ca/source/APPENDIX%20%20Regulation%20Waiver%20Request%20and%20Appeal%20Fillable%20Form.pdf>)

2. Letter of explanation (dated and signed) detailing:

- a. If the appeal is based on procedural fairness, the alleged breach(es) of procedural fairness; and/or
- b. If the appeal is based on extenuating circumstances, how/why their extenuating circumstances substantially impeded their academic performance; and/or
- c. Decision from the Professional Behaviour Policy, if applicable; and,

d. The proposed solution/remedy being sought (see Academic Regulation 21.2 (p. ) above for the mandate of the UAPGC).

3. All supporting documents:

a. If the appeal is based on extenuating circumstances, supporting documents *must* include a letter from a medical doctor, nurse practitioner, psychiatrist, psychologist, counsellor, etc., containing the information described in Academic Regulation 21.5 (p. ) above.

b. If the appeal is based on procedural fairness, supporting documents should include:

i. An explanation detailing how procedural fairness was breached and how that impeded the student's academic performance; and/or

ii. The policy or procedure not followed, such as a course syllabus, School of Nursing calendar, Queen's University Senate document, or a record of correspondence.

**21.6.6.2-** The UAPGC may decide not to consider the appeal if:

1. The documents/evidence submitted are substantially incomplete, or inaccurate,

2. The documents/evidence are received after the deadline and no request for an extension of time has been received, or

3. There is some other substantial technical defect in the appeal as filed.

**21.6.6.3 -** The Chair, UAPGC shall notify the student of the UAPGC's decision not to consider the appeal and shall set out in the notice the reasons for the decision and the requirements for re-advancing the appeal. The student must rectify the defect or deficiency in their appeal submission within **5 business days** from the date of receipt of the notice.

**21.6.6.4 -** The respondent is normally the Instructor and/or Course Coordinator who assigned the failing grade or the Instructors and/or Course Coordinator who reread the examination or assigned a decision from the professional behaviour policy. The respondent shall be provided with a copy of all



appeal documents submitted by the student and shall have **5 business days** from the date of receipt to file a response. Copies of all relevant documents applicable to the appeal shall accompany the respondents' response. If the respondent fails to file documents according to time limits, the UAPGC may convene a meeting without receiving such documents.

**21.6.6.5** - Each party (the student and the respondent) will receive every document that the UAPGC receives from the other party in the appeal proceeding.

**21.6.6.6 - Requests for Extensions:** The UAPGC may extend any time limit if a written request for an extension is submitted to the Chair of the UAPGC *before* the initial deadline expires and only if the requesting party (the student or the respondent), provides a satisfactory reason for the delay, *and* the delay will not cause prejudice to the other party.

#### 21.6.7- Decision of the UAPGC Without a Hearing

**21.6.7.1** - The UAPGC may dismiss an appeal after a review of the documents filed and without a hearing if:

- The Committee does not have jurisdiction, or
- The Committee determines that the appeal is clearly without merit or commenced in bad faith, or
- The student has not resubmitted any incomplete or inaccurate documents/evidence within **5 business days** from the date of receipt of notice requesting the resubmission.

**21.6.7.2-** The Chair shall inform the student in writing of the decision.

#### 21.6.8 - The Appeal Meeting

**21.6.8.1-** Normally, the Chair, UAPGC will schedule the appeal meeting as soon as possible after receipt of all documents.

**21.6.8.2** – The appeal meeting will include 3-4 UAPGC members (or their designate). A quorum comprises 50% of the UAPGC members +1 (or their designate) and includes the UAPGC Chair (or designate). The Chair may appoint replacement

members in circumstances described in Academic Regulation 21.2 (p. ).

**21.6.8.3** - The student and the respondent have the right to attend the appeal meeting and be heard when the appeal is considered. If the student and/or the respondent(s) do not attend the appeal meeting, the appeal meeting may proceed in their absence. Students may contact the Office of the University Ombudsperson (<https://www.queensu.ca/ombuds/>) about student rights and responsibilities and University policies and procedures.

**21.6.8.4** - Appeal meetings will be held either virtually or in-person. At the meeting, the student may have a support person present, who may be a friend or family member, or an advisor or other professional, to provide emotional support and assistance. The support person may not be directly involved in the case, for example as a witness, and may not advocate or speak on behalf of the student. If the student is accompanied by legal counsel, the UAPGC and the respondent may also be accompanied by legal counsel. Legal advisors cannot answer questions on a party's behalf. Both parties (the student and the respondent(s)) shall provide the Chair with the name(s) of any person(s) who will accompany them and the reason for their attendance at least **5 business days** before the meeting. Failure to do so may result in re-scheduling of the meeting. The Chair has the authority to limit the number of attendees.

**21.6.8.5** - The student file is present at every appeal meeting and may be referenced by the UAPGC at any time during the appeal proceedings.

**21.6.8.6** - The Chair will audio record the appeal meeting to assist the UAPGC in writing its decision. Once the UAPGC's decision letter is issued, the recording will be erased.

**21.6.8.7-** At the commencement of the appeal meeting, the Chair will outline the process and ask for introductions from those in attendance. The student and respondent(s) will each present their case and be prepared to respond to questions from the UAPGC for clarification and to assist the UAPGC in fully understanding the case. In making their submissions to the UAPGC, each party should presume that the members of the UAPGC have thoroughly reviewed all written submissions and

documents provided in advance of the appeal meeting.

**21.6.8.8** - The student will present their position first (up to 10 minutes), followed by questions from members of the UAPGC. The respondent(s) will then present their position (up to 10 minutes), followed by questions from members of the UAPGC. The student will have a second opportunity to provide additional information based on the respondent(s) presentation, followed by questions from the UAPGC. The respondent(s) will have the same opportunity followed by questions. The student will be provided with the opportunity to make a brief closing statement.

**21.6.8.9** - If either the student or the respondent(s) wishes to ask questions of the other party, those questions are to be directed through the Chair.

**21.6.8.10** - Once the proceedings are closed, everyone present will withdraw, except UAPGC members, and those assisting the UAPGC. The UAPGC members will then deliberate in closed session. The UAPGC members will consider all evidence relevant to the subject matter of the appeal. The Chair may exclude evidence on the grounds that it is unduly repetitious, irrelevant, or otherwise inadmissible, for example because of confidentiality or privacy concerns.

**21.6.8.11**- Normally, no new information will be accepted during the appeal meeting. If new information is presented at the meeting, or if the UAPGC decides that it requires additional information to decide the matter, the Chair may adjourn the meeting to permit the parties (the student or the respondent) to respond to the new information or to permit the UAPGC to obtain such additional information. The Chair may decide to adjourn the meeting at the request of a party if they decide the requesting party would be prejudiced if the meeting were to proceed. If the UAPGC obtains additional information, it will provide that additional information to the student. The student will be provided with **5 business days** to review and submit a written response related to the additional information. The UAPGC will then meet to deliberate in a closed session within **5 business days** thereafter.

**21.6.8.12** - If one member of the UAPGC who has participated in a meeting becomes unable, for any reason, to complete the meeting or to participate in

the decision, the remaining members may complete the meeting and give a decision provided that a quorum exists.

**21.6.8.13** - On completion of the meeting, the UAPGC will consider all documentation/evidence provided. A decision will be rendered by majority vote of the UAPGC. When all reasonable efforts to resolve a tie vote are exhausted, the appeal shall be dismissed, and the student will be advised of their right to appeal to the Faculty of Health Sciences Student Appeal Board in accordance with that Board's Rules and Procedures set out in **SECTION D** of the Faculty of Health Sciences Student Appeal Board, Undergraduate Programs: Terms of Reference and Appeal Procedures. (<https://healthsci.queensu.ca/source/Faculty%20Policies/Faculty%20of%20Health%20Sciences%20Student%20Appeal%20Board%20Terms%20of%20Reference%20and%20Appeal%20Procedures%202022.pdf>)

## 21.6.9 - The UAPGC Appeal Decision

**21.6.9.1**- The decision and the reasons for the decision of the UAPGC will be communicated to the student in writing by the Chair, normally within **10 business days** after the meeting. If the appeal is not granted, the student will be advised of their right to appeal the Faculty of Health Sciences Student Appeal Board in accordance with that Board's Rules and Procedures set out in **SECTION D** of the Faculty of Health Sciences Student Appeal Board, Undergraduate Programs: Terms of Reference and Appeal Procedures. (<https://healthsci.queensu.ca/source/Faculty%20Policies/Faculty%20of%20Health%20Sciences%20Student%20Appeal%20Board%20Terms%20of%20Reference%20and%20Appeal%20Procedures%202022.pdf>) (<https://healthsci.queensu.ca/source/Faculty%20Policies/Faculty%20of%20Health%20Sciences%20Student%20Appeal%20Board%20Terms%20of%20Reference%20and%20Appeal%20Procedures%202022.pdf>) The Decision letter will also provide the student with contact information for the University Ombudsperson or the Rector if they wish to seek advice. A copy of the decision letter will be placed in the student's academic file.



**21.6.9.2-** The Chair shall also inform the Instructor in writing of the outcome of the appeal and provide them with a copy of the decision letter.

**21.6.9.3** No sanction, penalty or requirement to withdraw shall be put into effect until the student affected has either exhausted all channels of appeal or has allowed the time for appeal to lapse, with the exception of appealing a clinical course outcome. If the UAPGC determines that the interests of third parties may be prejudiced by the continued enrolment of a student in a course or program, it may decide that, pending further appeal the student should not be permitted to continue in their course or program or should be precluded from progressing to the next academic stage. A student who is subject to an immediate sanction under this paragraph may request that the Chair of the appellate body with jurisdiction over the matter expedite the appeal. This request may result in a direction abridging the time for filing of documents, or other interim or preliminary directions. Refer to **Immediate Effect of Orders to Protect Safety** (Academic Regulation 17 (<https://www.queensu.ca/academic-calendar/nursing/bnsc-academic-regulations/a-r-17-protect-patient-safety/>)).

In the event that the decision is upheld by the Faculty of Health Sciences Student Appeal Board, the student may appeal the decision on procedural grounds to the University Student Appeal Board. Refer to the Senate policy on Student Academic Appeals (<https://www.queensu.ca/secretariat/policies/senate/student-academic-appeals-policy/>).

## 21.7 - Regulation Waiver Requests

Multiple waiver requests citing the same extenuating circumstances will be reviewed very closely. This review may include consultation with the appropriate professionals involved to obtain more detailed information. For a waiver request to succeed, there must be convincing evidence that the extenuating circumstances significantly impeded the student's academic performance *and* will be resolved within a reasonable timeline or will be appropriately managed on an ongoing basis.

In addition, *waiver requests citing the same extenuating circumstances relied on by the student in an appeal will be granted only in the most exceptional of circumstances* (see Academic Regulation 21.7.2 below (p.      )).

### 21.7.1- Regulation Waiver Request to Drop a Course after the Last Date

If a student wishes to drop any course (required or elective) **after the last date** published by the Office of the University Registrar to drop a course without faculty/school permission, the student must submit a request to waive the Academic Regulation, in writing, to the UAPGC Chair with the required material (see Academic Regulation 21.7.3 (p.      )). The written request must be received no later than **10 business days** after final marks have been released by the Registrar's Office. Subject to Academic Regulation 21.7.3.5 (p.      ), if the student fails to file their regulation waiver request within the **10 business day** deadline, their right to request to waive the Academic Regulation is forfeited.

### 21.7.2 - Regulation Waiver Request for Requirement to Withdraw Imposed under Academic Regulation(s) 2.5, 2.6, or 2.7

If a student has received notification of a Requirement to Withdraw under Academic Regulation 2.5, 2.6, or 2.7 (<https://www.queensu.ca/academic-calendar/nursing/bnsc-academic-regulations/a-r-2-standing-promotion/>) and wishes that decision to be reviewed based on extenuating circumstances, they can submit a request to waive the Academic Regulation for the Requirement to Withdraw, in writing, to the UAPGC Chair with the required material (see Academic Regulation 21.7.3 (p.      )). Waivers will normally only be considered/granted if the failed course(s) that caused the Requirement to Withdraw to be issued were appealed by the student or a regulation waiver was requested for a late drop AND compelling *new or additional* extenuating circumstances are/were present *that could not have been presented by the student on appeal*. Regulation waiver requests for the Requirement to Withdraw citing the same extenuating circumstances cited in an appeal or a regulation waiver request for a late drop of a course will be reviewed very closely. The written request must be received no later than **10 business days** after the Requirement to Withdraw was issued. Subject to Academic Regulation 21.7.3.5 (p.      ) below, if the student fails to file their regulation waiver request within the **10 business day** deadline, their right to request to waive the Academic Regulation is forfeited.

### 21.7.3 – Regulation Waiver Request Submission

**21.7.3.1** - The student must submit the following material to the Chair of the UAPGC by the required deadline as part of their regulation waiver request submission:

1. Completed Appendix D: School of Nursing Regulation Waiver Request and/or Appeal Form (<https://nursing.queensu.ca/source/APPENDIX%20%20Regulation%20Waiver%20Request%20and%20Appeal%20Fillable%20Form.pdf>).

2. Letter of explanation (dated and signed) detailing how/why the extenuating circumstances substantially impeded their academic performance; and,

3. Supporting documents *must* include a letter from a medical doctor, nurse practitioner, psychiatrist, psychologist, counsellor, etc., containing the information described in Academic Regulation 21.5. (p. )

**21.7.3.2** - The UAPGC may decide not to consider the regulation waiver request if:

- The documents/evidence submitted are substantially incomplete, or inaccurate,
- The documents/evidence are received after the deadline and no request for an extension of time has been received, or
- There is some other substantial technical defect in the material as filed.

**21.7.3.3** - The Chair, UAPGC shall notify the student of the UAPGC's decision not to consider the regulation waiver request and shall set out in the notice the reasons for the decision and the requirements for re-advancing the request. The student must rectify the defect or deficiency in their submission within **5 business days** from the date of receipt of the notice.

**21.7.3.4** - The UAPGC may request additional information from staff and/or faculty within the School of Nursing at its discretion. If additional information is obtained, the student will be provided with the information and will be given **5 business days** to provide the UAPGC with an updated submission to include their response to the additional information.

**21.7.3.5 - Requests for Extensions:** The UAPGC may extend any time limit if a written request for an extension is submitted to the Chair of the UAPGC *before* the initial deadline expires and only if the student provides a satisfactory reason for the delay.

#### **21.7.4 - Dismissal by the UAPGC Without a Meeting**

**21.7.4.1** - The UAPGC may dismiss a regulation waiver request after a review of the documents filed and without a meeting if:

- The Committee does not have jurisdiction, or
- The Committee determines that the regulation waiver request is clearly without merit or commenced in bad faith, or
- The student has not resubmitted any incomplete or inaccurate documents/ evidence within **5 business days** from the date of receipt of notice requesting the resubmission.

**21.7.4.2**- The Chair shall inform the student in writing of the decision.

#### **21.7.5- The Regulation Waiver Request Meeting**

**21.7.5.1**- Normally, the Chair, UAPGC will schedule the waiver request meeting as soon as possible after receipt of the request.

**21.7.5.2** - A regulation waiver request meeting will include 3-4 UAPGC members (or their designate). A quorum comprises 50% of UAPGC members +1 (or their designate) and includes the Chair (or designate). The Chair may appoint replacement members in the circumstances described in Academic Regulation 21.2 (p. ) above.

**21.7.5.3** - The student has the right to attend the regulation waiver request meeting and be heard when the request is considered. If the student does not attend the meeting, the UAPGC may proceed in their absence. Students may contact the Office of the University Ombudsperson (<https://www.queensu.ca/ombuds/>) about student rights and responsibilities and University policies and procedures.

**21.7.5.4** - Regulation waiver request meetings will be held either virtually or in-person. At the meeting, the student may have a support person present, who may be a friend or family member, or an advisor or other professional, to provide emotional support and assistance. The support person may not be directly involved in the case, for example as a witness, and may not advocate or speak on behalf of the student. If the student is accompanied by legal counsel, the UAPGC may also be accompanied by legal counsel. Legal advisors

cannot answer questions on the student's behalf. The student shall provide the Chair with the name(s) of any person(s) who will accompany them and the reason for their attendance at least **5 business days** before the meeting. Failure to do so may result in re-scheduling of the meeting. The Chair has the authority to limit the number of attendees.

**21.7.5.5** - The student file is present at the meeting and may be referenced by the UAPGC members only at any time during the meeting.

**21.7.5.6** - The Chair will audio record the waiver request meeting to assist only the UAPGC in writing its decision. Once the UAPGC's decision letter is issued, the recording will be erased.

**21.7.5.7** - At the commencement of the meeting, the Chair will outline the process and ask for introductions from those in attendance. The student will present their case (up to 10 minutes) and be prepared to respond to questions from the UAPGC members for clarification and assistance in fully understanding the case. In making their submission, the student should presume that the members have thoroughly reviewed all written submissions and documents provided in advance of the meeting. The student will then be provided with the opportunity to make a brief closing statement.

**21.7.5.8** - Once the proceedings are closed, everyone present will withdraw, except the UAPGC members, and those assisting them. They will then deliberate in a closed session. The UAPGC will consider all evidence relevant to the subject matter of the student's waiver request. The Chair may exclude evidence on the grounds that it is unduly repetitious, irrelevant, or otherwise inadmissible.

**21.7.5.9** - Normally, no new information will be accepted from the student during the waiver request meeting. If new information is presented at the meeting, or if the UAPGC decides that it requires additional information to decide the matter, the Chair may adjourn the meeting to consider the new information or to permit the UAPGC to obtain the additional information it requires. If the UAPGC obtains additional information, it will provide that additional information to the student. The student will be provided with **5 business days** to review and submit a written response related to the additional information. The UAPGC will then meet to deliberate in a closed session within **5 business days** thereafter.

**21.7.5.10** - If one member of the UAPGC who has participated in a meeting becomes unable, for any reason, to complete the meeting or to participate in the decision, the remaining members may complete the meeting and give a decision provided that a quorum exists.

**21.7.5.11**- On completion of the meeting, the UAPGC will consider all documentation/evidence provided. A decision will be rendered by majority vote of the UAPGC. When all reasonable efforts to resolve a tie vote are exhausted, the waiver request shall be dismissed, and the student will be advised of their right to appeal to the Faculty of Health Sciences Student Appeal Board in accordance with that Board's Rules and Procedures set out in **SECTION D** of the Faculty of Health Sciences Student Appeal Board, Undergraduate Programs: Terms of Reference and Appeal Procedures. (<https://healthsci.queensu.ca/source/Faculty%20Policies/Faculty%20of%20Health%20Sciences%20Student%20Appeal%20Board%20Terms%20of%20Reference%20and%20Appeal%20Procedures%202022.pdf>)

## **21.7.6 - The Regulation Waiver Request Decision**

**21.7.6.1** - The decision and the reasons for the decision of the UAPGC will be communicated to the student in writing by the Chair, normally within **10 business days** after the meeting. The Decision letter will include information about any appeal right the student may have if the waiver request is denied. The Decision letter will also provide the student with contact information for the University Ombudsperson or the Rector if they wish to seek advice. A copy of the decision letter will be placed in the student's academic file.

### **21.7.7 - Levels of Appeal**

If the student's regulation waiver request is denied by the UAPGC, there are 2 levels of appeal:

**Level 1** - Appeal to the Faculty of Health Sciences Student Appeal Board: The timelines, the grounds, and the procedures, for filing an appeal with the Faculty of Health Sciences Student Appeal Board are set out in **SECTION D** of the Faculty of Health Sciences Student Appeal Board, Undergraduate Programs: Terms of Reference and Appeal Procedures. (<https://healthsci.queensu.ca/source/Faculty%20Policies/Faculty%20of%20Health%20Sciences%20Student%20Appeal%20Board%20Terms%20of%20Reference%20and%20Appeal%20Procedures%202022.pdf>)





**Level 2** - Appeal to the University Student Appeal Board:  
Decisions of the Faculty of Health Sciences Student Appeal Board may be appealed to the University Student Appeal Board on the grounds, and in accordance with the procedures set out in the Senate Policy on Student Academic Appeals (<https://www.queensu.ca/secretariat/policies/senate/student-academic-appeals-policy/>).