
Appeals With Respect to Probation, Salaries, and Academic Promotion Policy

Department Policy Number

080 009

Effective Date

July 1996
Revised February 1, 2002

Purpose

This policy outlines the appeals process for AUFA Academic Staff Members with respect to probation, salaries, and academic promotion.

Definitions

Agreement	Terms and Conditions of Agreement between The Governors of Athabasca University (the Board) and Athabasca University Faculty Association.
Appeal	Request for a review of a decision made for an Academic Staff Member with respect to probation, salaries, and academic promotion.
Appeal Committee	Probation, Salaries, and Academic Promotion Appeal Committees established under Section 9.5.10 (a) or 9.5.10 (b).
Appellant	Staff member appealing the recommendation of an executive officer with respect to probation, salaries, or academic promotion.
Labour Relations Coordinator	The person serving in the position of Labour Relations Coordinator or designate.
Respondent	The executive officer whose recommendation is being appealed.



Policy

Subject to appeal in accordance with Article 9 of the Agreement.

Regulation

- 1.0 Where this policy is inconsistent with the Agreement, the latter will prevail.
- 2.0 Article 9 of the Agreement and the procedural guidelines of this policy will govern appeals.
- 3.0 Membership
 - 3.1 Appeal Committee membership is determined in accordance with the Agreement.
 - 3.2 The Chair of the Appeal Committee shall act as report writer.
 - 3.3 The Labour Relations Coordinator is a non-voting member of the Appeal Committee and will act as secretariat for the Appeal Committee for the collection and distribution of materials and provide advice on process.
- 4.0 The Appeal Committee may make inquiries, review documents and files, and interview persons it considers advisable in the circumstances in arriving at its final recommendation.
- 5.0 Any and all information considered by the Appeal committee, and its agreed upon procedures, must be seen and heard by the Appellant and the Respondent.
- 6.0 The Appeal Committee shall not be bound by rules of evidence or procedures of the courts of law.
- 7.0 An Appellant or Respondent may have the assistance of another in preparing and presenting their case to the Appeal Committee.
- 8.0 The appropriate section of the Agreement shall govern the time frame for an Appeal. Time frames may be extended or altered with the mutual agreement of the Faculty Association and the University. Such agreement will be in writing and facilitated through the Labour Relations Coordinator.
- 9.0 The Appeal Committee shall by majority vote determine any other procedures that may be necessary. The Appeal Committee shall provide these procedures to all persons involved in the appeal hearing.



Procedure

1.0 Initiation

- 1.1 The Appellant submits in writing to the President a request to Appeal a decision with respect to probation, salaries, or academic promotion within 10 working days of receipt of the decision.
- 1.2 The President must notify the Appellant of the names of the Appeal Committee members within 10 working days of receiving the notice described in 1.1.
- 1.3 Within 25 working days of receiving executive officers written recommendations, the Appellant shall submit to the chair of the Appeal Committee an appeal document specifying grounds and argument of the appeal.
- 1.4 The Appeal Committee shall provide to all parties 10 working days' notice of the time and place of the appeal hearing.

2.0 Appeal Hearing

- 2.1 Prior to the hearing, the Appellant and Respondent each prepare and submit a written report to the Labour Relations Coordinator. The Labour Relations Coordinator distributes reports and other relevant materials to the Appellant, Respondent, and the Appeal Committee members.
- 2.2 The Appellant and Respondent each should be prepared to make a verbal presentation, respond to questions from the Appeal Committee and provide a rebuttal.
- 2.3 The Chair may allow other persons, including the Appellant's supervisor to be present during the appeal proceedings. These persons shall not be entitled to participate except when called as a witness.
- 2.4 The order of presentation before the Appeal Committee is as follows:
 - a. Appellant
 - b. Respondent
 - c. Rebuttals (in the same order)
- 2.5 The Appellant and Respondent may each call a reasonable number of witnesses and must provide advance notice of their list of witnesses to the Labour Relations Coordinator. The Appeal Committee makes the final determination with respect to the list of witnesses after hearing from both the Appellant and the Respondent.
- 2.6 The Appellant and Respondent carry out questioning of their respective witnesses.



- 2.7 Appeal Committee members may ask questions of the Appellant, Respondent, and witnesses.
 - 2.8 The Appellant, Respondent, and Appeal Committee members can request clarification of any statement made by a witness called by either party.
 - 2.9 The Chair is in charge of the committee and shall have the authority to intervene in or to end the questioning at any point.
- 3.0 Decision
- 3.1 The decision of the Appeal Committee is final and binding.
 - 3.2 The decision shall be in writing and communicated by the Chair to the University President, the Appellant, the Respondent, and the Labour Relations Coordinator.

Approved by

Executive Group

Amended Date/Motion No.

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Related References, Policies, and Procedures

[040 002 Academic Staff Promotion Review](#)

[050 004 Academic Tenure Review](#)

[070 004 Annual Merit Increments - AUPE Support Staff and AUFA Professional and Academic Staff](#)

Applicable Legislation/Regulation

[AUFA Agreement](#)

[Alberta Freedom of Information and Protection of Privacy Act](#)

[Post-Secondary Learning Act](#)

Responsible Position/Department

This policy is maintained and administered by Human Resources. For further information, please contact the Labour Relations Coordinator. Contact information is available on the Human Resources website at <http://www1.athabascau.ca/hr>

Keywords