

# Academic and Non-Academic Appeals Review Process



 UNIVERSITY  
OF ONTARIO  
INSTITUTE OF TECHNOLOGY

Presented to: Academic Council  
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# Why review the Appeals processes?

- Retention is a strategic focus and appeals processes must be fair and consistent to contribute to a positive student experience at UOIT
- Current process:
  - Implementation practices across the university are not consistent (within faculties there is consistency)
  - Although in practice we have ensured procedural fairness – the written documents don't include key elements of procedural fairness and thereby make appeal decisions vulnerable to judicial review
  - Academic advisors find aspects of the process unclear
  - Students struggle with the process
  - There should be consistency of process between academic and non-academic appeals
  - Non-Academic Appeal process is light on specifics and currently disconnected from Academic Appeal process
  - University conducts reviews and investigations in several contexts and the investigations procedure should be common and well-understood – clearly meeting the requirements of procedural fairness
  - There are gaps in guidelines and faculties not always clear on good process
  - Communications processes are not charted or clear
  - Need role clarity – role of Secretary to Academic Council, role of office of General Counsel vs. role of others
  - More student focus: Aspects of appeal process in Academic Appeals Committee Terms of Reference (both inside Academic Council Handbook and on Administrative Code) and other aspects in General Academic Regulations (hard to find)

# Background Work Completed

- Legal opinion on procedural inadequacies of current processes
- Secretariat has compiled list of issues associated with appeals over the last two years
- Engaged a UOIT former legal studies student to:
  - Benchmark appeal processes and resources at other institutions, and;
  - to provide feedback on the gaps she found while attempting to navigate the UOIT appeal process

# Pre-drafting Consultation – Academic Council Executive Comments

- Consider how, and where appropriate, to make the appeal process more of a learning opportunity
- Improve transparency
- Consider having anonymous decision summaries published
- Explore opportunities for use of alternate dispute resolution
- Consider ways to make the process less formal
- Consider how to better support and inform students in the appeal process
- Consider how to better support and inform faculty in the appeal process

# Pre-drafting Consultation – Academic Council

- Comments on the appeal processes from the perspective of members of Academic Council?
- Does the process review and development path make sense?

# Process?

- Associate Provost and AC Secretary in consultation with the Appeals Committee members to come to ACX and then AC with recommended appeal process for consultation?
- Consultation path? Who should be consulted?

# Background

- Current processes for reference

# Depiction of current process – Academic Appeals

- Governed by Undergraduate Academic Calendar & Course Catalogue and Academic Appeals Committee Terms of Reference (approved March 2004, revised June 2007)
- Academic Appeals Committee is a standing committee of Academic Council
- Committee membership consists of 4 core faculty members, appointed by Academic Council Executive Committee, and 3 student members, elected from student body at large
- Decisions eligible for appeal to the Academic Appeals Committee:
  - Decisions of dean/delegate relating to: Academic Standing (s.5.10), Grade Reappraisals and Appeals (s.5.12) or Time Limits (s.5.23)
  - Decisions of Academic Integrity Committee relating to Academic Conduct/Misconduct or Professional Suitability (s.5.16)
  - Any other decision for which Academic Appeal Committee grants leave to appeal on basis of procedural irregularity only
- Student must file a Notice of Appeal in required form within 10 working days after date of decision being appealed
- In Notice of Appeal, student must elect whether appeal to be determined in writing or by oral hearing
- Appeals to Academic Appeals Committee will be permitted only on grounds of:
  1. New evidence: evidence relevant to decision made at faculty level, but through no fault of the appellant, was not presented at that level
  2. Evidence of procedural irregularity in original consideration of the case



# Current process for academic appeal

Appeals will be heard by a panel of at least 3 Committee members, consisting of at least 1 student member & 2 teaching staff members

## **Written appeal:**

- Committee shall provide copy of Notice of Appeal to responding faculty
- Responding faculty must deliver a written response to the Committee, attaching relevant documents, within 10 working days and a copy of the response will be mailed to the appellant
- Appellant has 10 working days from mailing date of response to provide a final written response and a copy will be mailed to the faculty
- Members of panel may convene in person or via teleconference

## **Oral Hearing:**

- Committee will schedule a date for the hearing in consultation with the appellant and faculty
- At least 10 working days prior to hearing, appellant will deliver any written submissions to be relied upon at the hearing, copies of documents to be referred to at the hearing, and a list of people attending as witnesses and brief summary of each witness's evidence
- Committee may ask questions after each person's statement or testimony; generally, neither appellant nor responding faculty may ask questions of the other's witnesses
- Decision of Committee will be in writing

## **Status during appeal:**

- Disciplinary penalties generally not enforced before appeal is decided nor will official transcripts be issued
- Student may apply to dean for continued attendance in classes & related activities while appeal being heard
- In order for request to be granted, dean must be satisfied there would be no detrimental effect of such attendance

# Non-Academic Appeals

- Governed by Student Conduct Policy and Disciplinary Procedures in Non-Academic Matters (Approved June, 2010. Board Policy, UOIT Act, s. 9 (1) I) – under review)
- Delegates responsibility for student conduct and the enforcement of student discipline to the Provost
- Assigns to the Manager of Student Rights and Responsibilities the task of implementing the Disciplinary Procedures
- See pre-appeal process chart
- Penalties are non-academic - may be noted on transcript

# Current process leading up to Non-Academic Appeal

- Associate Provost – Academic issues decision
- Student has 10 days to appeal in writing on the basis of new evidence
- Disciplinary penalties normally suspended during appeal unless Non-Academic Appeals Committee determines that the penalty imposed should stay because of issues of safety and security (no process defined for this determination)
- Composition of Non-Academic Appeals Committee: Appointed by the Provost (on an ad hoc basis): Three “core” faculty members and two students
- Minimum panel of three (2 faculty and 1 student)
- Panel normally will meet within 15 days
- Panel may interview appellant as well as witnesses
- Decision normally to be made within 20 days of initial meeting
- Student may be represented (when lawyers involved both University and Panel may need legal support)
- Student has the right to be present at an appeal whenever evidence or arguments are presented