

## ACADEMIC COUNCIL COMMITTEE REPORT

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**SESSION:**

Public   
 Non-Public

**ACTION REQUESTED:**

Decision   
 Discussion/Direction   
 Information

**TO:** Academic Council

**DATE:** June 15, 2021

**FROM:** Undergraduate Studies Committee

**SUBJECT:** Proposed Amendments to Academic Appeal Policy

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**MANDATE:**

- In accordance with By-law No. 2, one of AC’s responsibilities is “establishing and implementing academic and research policies except those that are organizational in nature and/or those implemented to fulfill legal compliance obligations.”
- We are recommending that Academic Council approve the proposed amendments to the Academic Appeal Policy.

**BACKGROUND:**

- The Academic Appeal Policy and Academic Appeals Procedures (“Policy & Procedures”) are closely tied to the Academic Appeals Committee Terms of Reference (“AAC ToR”).
- As part of the implementation of By-law No. 2, Academic Council’s Governance and Nominations Committee (“GNC”) has been reviewing and updating the Terms of Reference for all of Academic Council’s standing committees.
- The GNC’s work plan for 2020-2021 includes a review and update of the AAC ToR and it made sense to conduct a review of the Policy & Procedures at the same time.
- The review of the Policy and Procedures is also timely, as the Office of the University Secretary and General Counsel received a recommendation from the Ontario Ombudsman to update our procedures to better reflect current practices and to strengthen transparency in our appeals process.
- The Ontario Ombudsman has requested that the procedural updates be implemented as soon as possible.
- Accordingly, we are recommending a two-stage process for the review and update of the Policy & Procedures:

1. We are recommending the attached changes as the first stage of review.
  2. During recent discussions of the Academic Appeals Committee, the committee would like to conduct a broader review of the appeals process to consider incorporating something similar to an early resolution process to encourage faculty to resolve matters with students early on and to reduce reliance on the formal review and appeals process.
- The proposed amendments to the Policy and Procedures help clarify the current process.
  - The Policy & Procedures have been updated into our current policy and procedures formats.

**CONSULTATION:**

- Undergraduate Studies Committee (Consultation) – February 16, 2021
- Graduate Studies Committee (Consultation) – February 23, 2021
- Academic Council (Consultation) – March 23, 2021
- Administrative Leadership Team (Consultation) – April 13, 2021
- Online Consultation – April 6-16, 2021
- Undergraduate Studies Committee (Approval of Procedures) – June 15, 2021
- Academic Council (Approval – Policy) – June 22, 2021

**MOTION for CONSIDERATION:**

*That pursuant to the recommendation of the Undergraduate Studies Committee, Academic Council hereby approves the amendments to the Academic Appeal Policy, as presented.*

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**SUPPORTING REFERENCE MATERIALS:**

- blacklined Academic Appeal Policy

Classification Number	ACD 1512
Framework Category	Academic
Approving Authority	Academic Council
Policy Owner	<a href="#">Registrar/Provost</a>
Approval Date	<a href="#">February 23, 2016</a> DRAFT FOR CONSULTATION
Review Date	
Supersedes	Academic Regulations – Undergraduate Academic Calendar 2016-2017

## UNDERGRADUATE ACADEMIC APPEALS POLICY

### PURPOSE

1. The purpose of this Policy is to [provide a route for review of Decisions affecting students where there is new evidence to offer, or where there were procedural irregularities in the original decision. The review of decisions may lead to an Informal Resolution or a formal Appeal.](#)
- ~~outline undergraduate level formal decisions that are eligible for appeal to the Academic Appeals Committee.~~

~~1.~~

### DEFINITIONS

2. ~~This section intentionally left blank.~~ For the purposes of this Policy, the following definitions apply:

“Appeal” means a formal process conducted by the Academic Appeal Committee to review Decisions on grounds of new evidence or procedural irregularities.

“Decision” means a decision affecting the rights of a student, made by a Decision-Maker. This includes:

- a) Decisions of the dean, Registrar, or delegate relating to:
- Academic Standing (review of academic standing);
  - Grade Reappraisals and Reconsiderations;
  - Time Limits established by the Graduation and Conferral of Degrees Policy [link];
  - Late withdrawal requests;
  - Examination deferrals; or
  - The imposition of disciplinary penalties during an appeal.
- b) Decisions of the Academic Integrity Committee relating to academic conduct/misconduct or professional suitability.
- c) Any other decision for which the Academic Appeals Committee grants leave to appeal.

“Decision-Maker” means a University body or member of the University administration, including the Academic Integrity Committee, Registrar, Dean or delegate, with the authority to make Decisions under applicable policies.

“Graduate-level Decisions” means decisions related to students registered in the School of Graduate and Post-Doctoral Studies and/or made under Graduate Academic policies or regulations.

“Informal Resolution” means a voluntary process conducted by the Judicial Officer that engages both parties in a reconsideration of the Decision. The outcome of an Informal Resolution is determined by the agreement of the parties.

~~2.~~

### SCOPE AND AUTHORITY

~~3.~~ This Policy applies to undergraduate-level formal decisions other than Graduate-level Decisions that are eligible for appeal to the Academic Appeals Committee.

~~4.~~ The Graduate Academic Appeal Policy provides a route for reconsideration of Graduate-level Decisions.

~~3.~~

~~4.~~ This Policy does not apply to graduate-level formal decisions that are eligible for appeal. For more information regarding graduate level appeals, please refer to the Graduate Academic Calendar.

5. The ~~Registrar~~Provost, or successor thereof, is the Policy Owner and is responsible for overseeing the implementation, administration and interpretation of this Policy.

### POLICY

~~6.~~ There will be a committee established with the delegated authority to conduct Appeals and determine the outcome of Appeals. This committee will be established by the Board of Governors through the approval of Terms of Reference specifying the composition of the committee.

~~7.~~ The University Secretary will appoint a Judicial Officer to review requests for Decision reviews, to determine whether there are grounds to believe that new evidence or procedural irregularity affected the outcome of the Decision, to engage the parties in a voluntary Informal Resolution process, and to provide administrative and procedural support to the Academic Appeals Committee.

~~8.~~ A student has grounds to request a review of a Decision where there is:

a) New evidence (evidence relevant to the Decision made at the lower level, but, through no fault of the student, not presented at that level. Generally speaking, events or performance subsequent to the lower level Decision are will not to be construed as new evidence); or

b) Evidence of procedural irregularity in the original consideration of the matter.

9. Procedures for requesting a review of a Decision will be established under this Policy.
10. A student may elect to participate in a voluntary Informal Resolution process conducted by the Judicial Officer where the Judicial Officer believes the process will be effective. Procedures for Informal Resolution will be established under this Policy.
11. Where the student does not elect to participate in Informal Resolution, or the parties do not come to an agreement on a resolution, the matter will proceed to an appeal. Procedures for conducting an Appeal will be established under this Policy.

**6. Eligibility for appeal**

- 6.1. An exhaustive list of formal decisions eligible for appeal to the Academic Appeals Committee is set out below. All other decisions shall be deemed final.
- a) Decisions of the dean/delegate, relating to:
- Academic Standing (review of academic standing);
  - Grade Reappraisals and Appeals Reconsiderations; or
  - Time Limits; or
  - The imposition of disciplinary penalties during an appeal.
- b) Decisions of the Academic Integrity Committee relating to academic conduct/misconduct or professional suitability.
- c) Decisions on the basis of procedural irregularity only, any other decision for which the Academic Appeals Committee grants leave to appeal.

**7.12. Status during an appeal**

7.1.12.1. Under normal circumstances, disciplinary penalties will not be enforced before an appeal Appeal is decided, nor will official transcripts be issued.

7.2.12.2. In cases where continued attendance by the student would have a detrimental effect on the student or others (including, but not limited to circumstances where issues of safety and security to the individuals or property are involved), the dean of the relevant faculty may determine that the penalty imposed by the faculty will stay in effect until the completion of the appeal proceedings.

7.3.12.3. If the appeal Appeal is granted, formal registration will be reinstated or the matter remitted back to the dean or provost for reconsideration as appropriate.

**MONITORING AND REVIEW**

8.13. This Policy will be reviewed as necessary and at least every three years. The Registrar, or successor thereof, is responsible to monitor and review this Policy.

**RELEVANT LEGISLATION**

9.14. This section intentionally left blank.

**RELATED POLICIES, PROCEDURES & DOCUMENTS**

**15. Undergraduate Academic Appeals Procedures**

[Fair Processes Policy](#)

[Graduation and Conferral of Degrees Policy](#)

[Grading System and Academic Standing Policy \(Undergraduate\)](#)

~~[Academic Appeal Procedures](#)~~

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