

ACADEMIC COUNCIL REPORT

SESSION:

Public

ACTION REQUESTED:

Decision

Discussion/Direction

Information

TO: Academic Council

FROM: University Secretariat

DATE: 23 January 2024

SUBJECT: Undergraduate Academic Appeals Policy and Committee Terms of Reference

MANDATE

- It is a good governance practice to regularly review the key governance documents of the University. In addition, a review of the Terms of Reference (TOR) and Policy and Procedure for Undergraduate Academic Appeals (Policy and Procedure) was part of the By-Law 2 Implementation plan. The Policy and Procedure are closely tied to the TOR.
- The Undergraduate Academic Appeals Policy and Procedure fall within the Academic category of the Policy Framework. Under the Policy Framework and the University's Act and By-laws, Academic Council is responsible for approving Academic Policy and making recommendations to the Board on "the establishment and terms of reference of committees to exercise the Academic Council's delegated authority".
- The Undergraduate Studies Committee (USC) has a mandate of maintaining the academic standards set by Academic Council and to serve as a deliberative body for academic policy instruments. It has the delegated authority to approve Academic Procedures and making recommendations to Academic Council on the approval of Academic Policy
- On the recommendation of USC, the attached amended Policy is being presented to Academic Council for approval. We also present the Undergraduate Academic Appeals Committee Terms of Reference for recommendation to the Board. Further, we have provided the associated Procedures, which were approved by USC, for information.

MOTION FOR CONSIDERATION

That pursuant to the recommendation of the Undergraduate Studies Committee, Academic Council hereby approves the amended Undergraduate Academic Appeals Policy. Further, that Academic Council hereby recommends the revised Undergraduate Academic Appeals Committee Terms of Reference for approval by the Board of Governors.

BACKGROUND/CONTEXT & RATIONALE:

- The proposed amendments to the TOR and Policy, and the approved amendments to the Procedures, help clarify the current process and align Ontario Tech with administrative law practices and other Ontario universities, where appropriate for the size of the student population and the support available to the Committee.
- Changes also reflect feedback received during the on-line consultation process, and direct consultation with the Ontario Tech Student Union, the Undergraduate Academic Appeals Committee, the Governance and Nominations Committee, and Academic Council. Editorial amendments also made based on feedback from USC.
- Once the documents are fully approved, the various related web pages will be updated to provide clarity for students navigating the appeal process.

SUMMARY OF CHANGES:

A short summary of the proposed and approved revisions are as follows:

General Changes (all documents)

- inclusion of definitions in the appropriate document and removal of duplication of definitions for ease of reading. Addition of definitions pulled from other Ontario Tech policy instruments, that provide clarity and consistency within the University; inclusion of terms used for clarity
- editorial changes to ensure consistency across all documents; edits to reflect the University's brand standard; formatting and proofreading edits
- editorial revisions for clarity and ease of reading, such as changing 'appellant' to 'student'

TOR

- includes changes approved by Academic Council in 2021 that were not updated on the website (items in blue on tracked changes copy)
- changes to made explicit that faculty and students are elected from their constituencies
 - rationale – other TORs are generally explicit regarding election of members
 - this aligns with the practice to-date
- changed the number of faculty to a minimum and maximum number to manage challenges with meeting quorum when conflicts of interest arise
- added process for selection of Chair and Vice-Chair of the Committee
- amended formatting to align with other AC Committee TORs
- removed duplicate content found in the Policy and Procedures (previously reviewed in 2021)

Policy

- removal of content duplicated in the TOR
- expanded and clarified grounds for appeal for consistency with generally accepted practices; noted areas where decisions may not be appealed
- provided greater level of responsibility to the Chair

- clarification that the Policy and Procedure apply only to Undergraduate Students and updated related definitions; clarified that the Policy and Procedure do not apply to Student Code of Conduct appeals

Procedures

- removal of content duplicated in the TOR; removal of terms that are defined in the Policy
- clarified evidence required for a complete package
- strengthened language regarding decision making and where files may be closed
- provided stronger language noting the requirement to complete earlier review and appeals processes that include reviews on compassionate grounds and extenuating circumstances (e.g. Grade Reappraisal, Review of Academic Standing)
- expanded language regarding communication of appeals in process and decisions of the Committee
- provided for greater transparency and touch points during the early stages of the appeal process to allow students and respondents to provide input in the process, allow for more efficiency
- expanded the process for informal resolution and removed the option to proceed by written hearing
- provided greater level of responsibility and accountability to the Chair
- updated the initial review and hearing processes to better align with administrative law principles
- clarified the ability for the Committee, Chair, and Judicial Officer to assign a designate for all or some duties

CONSULTATION AND APPROVAL PATH:

The TOR, the Policy, and the Procedure each have different approval paths, however all of the pieces are important to view as a whole (e.g. the TOR refers to the procedure for the powers of the Chair). In conjunction with the Policy Office, the following consultation and approval path was determined for the changes to the Policy, Procedure, and Terms of Reference:

- ✓ Governance and Nominations Committee: April 2023 (Consultation)
- ✓ Academic Council: April 2023 (Consultation)
- ✓ Ontario Tech Student Union: March 2023 – October 2023 (Consultation)
- ✓ Online Consultation: November 2023
- ✓ Administrative Leadership Team: November 2023 (Consultation)
- ✓ Undergraduate Academic Appeals Committee: November 2023 (Consultation)
- ✓ Undergraduate Studies Committee: December 2023 (Approval – Procedure; Recommendation for Approval – Policy)
- Academic Council: January 2024 (Approval – Policy; Recommendation for Approval – TOR)
- Board of Governors: February 2024 (Approval – TOR)

SUPPORTING REFERENCE MATERIALS:

For Approval:

- Clean Copy:
 - Undergraduate Academic Appeals Policy

- Tracked Changes:
 - Undergraduate Academic Appeals Policy

For Recommendation:

- Clean Copy:
 - Undergraduate Academic Appeals Committee TOR
- Tracked Changes:
 - Undergraduate Academic Appeals Committee

For Information:

- Clean Copy:
 - Undergraduate Academic Appeals Procedure
- Tracked Changes:
 - Undergraduate Academic Appeals Procedure



Classification Number	ACD 1512
Framework Category	Academic
Approving Authority	Academic Council
Policy Owner	Provost
Approval Date	June 22, 2021
Review Date	June 2024
Supersedes	February 23, 2016; 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 Undergraduate Students where sufficient Grounds may exist.

DEFINITIONS

2. For the purposes of this Policy, the following definitions apply:

“Appeal” means a formal process conducted by the Academic Appeals Committee to review Decisions on Grounds specified in this Policy.

“Continuous Learning Student” means a student registered in a Continuous Learning Offering as defined in the Policy on Micro-credentials and Continuous Learning Programs.

“Decision” means a decision affecting the rights of an Undergraduate 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;
 - Late withdrawal requests;
 - Examination deferrals; or
 - The imposition of disciplinary penalties during an appeal.
- b) Decisions of an 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 an 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.

“Grounds” shall be defined as set out in Section 9 of this Policy.

“Informal Resolution” means a process facilitated by the Judicial Officer or their designate that involves a reconsideration of the Decision. The outcome of an Informal Resolution is determined by the agreement of the parties.

“Undergraduate Student” means anyone who is registered in an undergraduate program at Ontario Tech University on either a full-time or part-time basis, or who was so registered in an undergraduate program at the time of the events upon which a proceeding of first instance and any subsequent appeal is based.

SCOPE AND AUTHORITY

3. This Policy applies to requests for review by Undergraduate Students of Decisions of Ontario Tech University (the “University”).
4. The Graduate Academic Appeal Policy provides a route for reconsideration of Graduate-level Decisions.
5. This Policy does not apply to decisions made under the Student Code of Conduct or appeals from those decisions. Academic consequences arising from decisions about non-academic misconduct do not bring a non-academic misconduct matter within the scope of this Policy. This Policy does not apply to Continuous Learning Students. The Policy on Micro-credentials and Continuous Learning Offerings provides a route for reconsideration of Decisions relating to Continuous Learning Students.
6. The Provost, or successor thereof, is the Policy Owner and is responsible for overseeing the implementation, administration and interpretation of this Policy.

POLICY

7. 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.
8. The Judicial Officer will coordinate requests for Decision reviews, support the Chair of the Academic Appeals Committee regarding the determination of whether there are grounds that affected the outcome of the Decision, and provide administrative and procedural support to the Academic Appeals Committee.
9. A Decision may be appealed only when a student is able to establish that there are Grounds for the Appeal, specifically where there is:
 - a) Significant new information relevant to the Decision that has been discovered (evidence that, through no fault of the student, was not

available at the time of the original Decision. Generally speaking, events or performance subsequent to the Decision will not to be construed as new evidence); or

- b) Evidence exists of procedural irregularity in the original consideration of the matter by the Decision-Maker; or
- c) There is clear evidence of bias in a Decision.

AND the outcome of the Decision might have been substantially affected by any of the above circumstances.

Dissatisfaction with the outcome of the Decision or University policy, or failure by the student to abide by published deadlines, are not sufficient Grounds for Appeal.

- 10. Procedures for requesting a review of a Decision and conducting an Appeal will be established under this Policy.

11. Status during an Appeal

- 11.1. The Dean, or their designate, of the relevant Faculty will determine if the penalty imposed will stay in effect until the completion of the Appeal proceedings. Where the Dean, or their designate, believes there are compelling reasons for the penalty imposed to stay in effect, they must communicate their decision to the Office of the Registrar and the Judicial Officer within five (5) business days of being notified of the Appeal.
- 11.2. Where the Dean, or their designate, determines that the penalty imposed will stay in effect until the completion of the Appeal proceedings under 11.1, the Dean or their designate must provide written reasons in support of this decision.
- 11.3. Where the Dean, or their designate, determines that the penalty imposed will be held in abeyance until the completion of the Appeal proceedings under 11.1, the student may elect to proceed with their studies in the manner they see fit at their own risk, including but not limited to financial risk.
- 11.4. Official transcripts will not be issued until the completion of the Appeal proceedings.

MONITORING AND REVIEW

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

RELATED POLICIES, PROCEDURES & DOCUMENTS

- 13. Undergraduate Academic Appeals Procedures
Fair Processes Policy
Graduation and Conferral of Degrees Policy
Grading System and Academic Standing Policy (Undergraduate)
Policy on Micro-credentials and Continuous Learning Offerings



Classification Number	ACD 1512
Framework Category	Academic
Approving Authority	Academic Council
Policy Owner	Provost
Approval Date	June 22, 2021
Review Date	June 2024
Supersedes	February 23, 2016; 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 Undergraduate sStudents where ~~there is sufficient new evidence to offer, or where there were procedural irregularities in the original decision~~Grounds may exist. The review of decisions may lead to an Informal Resolution or a formal Appeal.

DEFINITIONS

2. For the purposes of this Policy, the following definitions apply:

“Appeal” means a formal process conducted by the Academic Appeals Committee to review Decisions on Grounds of new evidence or procedural irregularities specified in this Policy.

“Continuous Learning Student” means a student registered in a Continuous Learning Offering as defined in the Policy on Micro-credentials and Continuous Learning Programs.

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

- a) Decisions of the dDean, 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;
 - Late withdrawal requests;
 - Examination deferrals; or
 - The imposition of disciplinary penalties during an appeal.
- b) Decisions of ~~the an~~ 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 an~~ 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.

“Grounds” shall be defined as set out in Section 9 of this Policy.

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

“Undergraduate Student” means anyone who is registered in an undergraduate program at Ontario Tech University on either a full-time or part-time basis, or who was so registered in an undergraduate program at the time of the events upon which a proceeding of first instance and any subsequent appeal is based.

SCOPE AND AUTHORITY

3. This Policy applies to requests for review by Undergraduate Students of Decisions of Ontario Tech University (the “University”). ~~Decisions other than Graduate-level Decisions.~~
- ~~4.~~ The Graduate Academic Appeal Policy provides a route for reconsideration of Graduate-level Decisions.
- ~~4.~~ This Policy does not apply to decisions made under the Student Code of Conduct or appeals from those decisions. Academic consequences arising from decisions about non-academic misconduct do not bring a non-academic misconduct matter within the scope of this Policy.
- ~~5.~~ This Policy does not apply to Continuous Learning Students. The Policy on Micro-credentials and Continuous Learning Offerings provides a route for reconsideration of Decisions relating to Continuous Learning Students.
- ~~5-6.~~ The Provost, or successor thereof, is the Policy Owner and is responsible for overseeing the implementation, administration and interpretation of this Policy.

POLICY

- ~~6-7.~~ 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.
- ~~7-8.~~ The University Secretary will appoint a Judicial Officer. The Judicial Officer to will review coordinate requests for Decision reviews, to provide advice to support the Chair of the Academic Appeals Committee regarding the determination of determine whether there are grounds to believe that new evidence or procedural irregularity that 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.

8.9. A Decision may be appealed only when a student is able to establish that there are Grounds for the Appeal, specifically where there is ~~has grounds to request a review of a Decision where there is:~~

- a) Significant ~~n~~New information relevant to the Decision that has been discovered evidence (evidence relevant to the Decision made at the lower level, but that, through no fault of the student, was not available at the time of the original Decision 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 exists of procedural irregularity in the original consideration of the matter by the Decision-Maker; or-
- c) ~~There is clear evidence of bias in a Decision; or~~
- b) ~~There is evidence that the severity of the penalty imposed exceeds the nature of the offence for reasons identified by the student.~~

Commented [KM1]: Will further define procedural irregularity in an FAQ as clarity is needed for students and faculty applying the Procedures. E.g. lack of reasons in decision letter, inadequate weight given to evidence provided, fail to follow procedures, etc.

AND the outcome of the Decision might have been substantially affected by any of the above circumstances.

Dissatisfaction with the outcome of the Decision or University policy, or ignorance or neglect of failure of the student to abide by published deadlines, are not sufficient Grounds for Appeal.

9.10. Procedures for requesting a review of a Decision and conducting an Appeal 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.~~

12.11. Status during an Appeal

~~**12.1.11.1.** The Dean, or their designate, of the relevant Faculty will determine if the penalty imposed will stay in effect until the completion of the Appeal proceedings. Where the Dean, or their designate, believes there are compelling reasons for the penalty imposed to stay in effect, they must communicate their decision to the Office of the Registrar and the Judicial Officer within five (5) business days of being notified of the Appeal. Under normal circumstances, disciplinary penalties will not be enforced before an Appeal is decided, nor will official transcripts be issued.~~

~~**11.2.** Where the Dean, or their designate, determines that the penalty imposed will stay in effect until the completion of the Appeal proceedings under 11.1, the Dean or their designate must provide written reasons in support of this decision.~~

~~**11.3.** Where the Dean, or their designate, determines that the penalty imposed will be held in abeyance until the completion of the Appeal proceedings under 11.1, the~~

~~student may elect to proceed with their studies in the manner they see fit at their own risk, including but not limited to financial risk.~~

~~12.2.11.4. Official transcripts will not be issued until the completion of the Appeal proceedings. 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.~~

~~12.3. If the 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

~~13.12.~~ This Policy will be reviewed as necessary and at least every three years. The ~~Registrar~~Provost, or successor thereof, is responsible to monitor and review this Policy.

RELEVANT LEGISLATION

~~14. This section intentionally left blank.~~

RELATED POLICIES, PROCEDURES & DOCUMENTS

~~15.13.~~ Undergraduate Academic Appeals Procedures

Fair Processes Policy

Graduation and Conferral of Degrees Policy

Grading System and Academic Standing Policy (Undergraduate)

[Policy on Micro-credentials and Continuous Learning Offerings](#)

ACADEMIC COUNCIL

Undergraduate Academic Appeals Committee

1. TERMS OF REFERENCE

The Undergraduate Academic Appeals Committee (“Committee”) is an adjudicative body of Academic Council responsible for conducting and determining the outcome of undergraduate academic appeals in accordance with the university’s Undergraduate Academic Appeals Policy and Undergraduate Academic Appeals Procedures.

2. MEETINGS

The Committee will meet as needed throughout the year. In accordance with the university’s Act and By-laws, the Committee will conduct only Non-Public meetings as the Committee considers matters of a personal nature concerning individuals.

3. MEMBERSHIP

The Committee will be composed of:

- At least four (4) and not more than six (6) Tenured, Tenure-Track, or Teaching faculty members with a continuing appointment, elected from the constituency. The term of appointment shall be three (3) years
- Three (3) undergraduate student representatives elected from the student body. The term of appointment shall be one (1) year with the option to renew for one (1) additional year
- The University Registrar, or Designate, in an advisory capacity

A Chair will be appointed from among the Tenured, Tenure-Track, or Teaching faculty members of the Committee. The Chair will be selected in accordance with the relevant process established by the Governance and Nominations Committee. The Chair’s role and responsibilities are set out in the Undergraduate Academic Appeals Procedures.

A Vice-Chair will be selected by the Committee each year from among the members of the Committee.

When required, members of the Committee will hear appeals in accordance with the Undergraduate Academic Appeals Procedures.

ACADEMIC COUNCIL

Undergraduate Academic Appeals Committee

1. TERMS OF REFERENCE

The Undergraduate Academic Appeals Committee (“Committee”) is ~~the~~ an adjudicative body of Academic Council responsible for conducting and determining the outcome of undergraduate academic appeals in accordance with the university’s Undergraduate Academic Appeals Policy and Undergraduate Academic Appeals Procedures.

2. MEETINGS

The Committee will meet as needed throughout the year. In accordance with the university’s Act and By-laws, the Committee will conduct only Non-Public meetings as the Committee considers matters of a personal nature concerning individuals.

3. MEMBERSHIP

The Committee will be composed of:

- At least fFour (4) and not more than six (6) Tenured, Tenure-Track, or Teaching faculty members with a continuing appointment, elected from the constituency. The term of appointment shall be three (3) years
- Three (3) ~~elected~~ undergraduate student representatives elected from the student body. The term of appointment shall be one (1) year with the option to renew for one (1) additional year
- The University Registrar, or Designate, in an advisory capacity

A Chair will be appointed from among the Ttenured, Ttenure-Ttrack, or Tteaching faculty members of the Committee. The Chair will be selected in accordance with the relevant process established by the Governance and Nominations Committee. The Cchair’s role and responsibilities are set out in the Undergraduate Academic Appeals Procedures.

A Vice-Chair will be selected by the Committee each year from among the members of the Committee.

When required, members of the Committee will hear appeals. Appeal panels will be convened from among the members of the Committee in accordance with the Undergraduate Academic Appeals Procedures.



Classification Number	ACD 1512.01
Parent Policy	Academic Appeal Policy
Framework Category	Academic
Approving Authority	Academic Council
Policy Owner	Provost
Approval Date	June 15, 2021
Review Date	June 2024
Supersedes	February 23, 2016; Academic Regulations – Undergraduate Academic Calendar 2016-2017

UNDERGRADUATE ACADEMIC APPEALS PROCEDURES

PURPOSE

1. The purpose of these Procedures is to outline the process for seeking review of a Decision by a Faculty, the Registrar, or delegate under the Undergraduate Academic Appeals Policy (the “Policy”).

DEFINITIONS

2. For the purposes of these Procedures the definitions in the Policy as well as the following apply:

“**Appeal Panel**” means a subset of the Academic Appeals Committee that is convened when necessary to hear an Appeal. The Appeal Panel will be composed of at least four members of the Academic Appeals Committee, as determined by the Chair, provided that at least one student member, at least two teaching staff members, and the Registrar or designate are present. The Chair or Vice-Chair shall be counted as one of the Appeal Panel members. The Chair may invite one (1) additional staff member in a frontline student-facing role to attend a hearing in an advisory capacity, where relevant.

“**Appeal Submission**” means a written submission in support of the Appeal and must include **all of the following**:

- A completed Request for Appeal to the Academic Appeals Committee Form (or equivalent; the “Form”);
- A complete copy of the Decision that is being appealed;
- The form of remedy or redress requested;
- The specific Grounds, as outlined in Section 9 of the Policy, on which the Appeal is made;
- A summary of the evidence in support of these Grounds; and
- The text of the relevant procedural regulations (if any) allegedly violated or otherwise deemed applicable to the case.

“**Responding Submission**” means a written submission, including all relevant supporting documentation, by the Decision Maker in response to the Appeal Submission.

“**Panel Chair**” means the individual who is responsible for conducting a hearing.

“**Working Day**” means any day, excluding Saturdays, Sundays, statutory holidays and university closures, on which business can be conducted. For clarity, any day on which university business can

be conducted, including non-teaching days, examination days, and Reading Week, are Working Days.

SCOPE AND AUTHORITY

- 3.** These Procedures are to be read in conjunction with the Policy and apply to requests by Undergraduate Students for review of Decisions (as defined in the Policy) of Ontario Tech University (the "University").
- 4.** The Provost, or successor thereof, is the Policy Owner and is responsible for overseeing the implementation, administration and interpretation of these Procedures.

PROCEDURES

5. Preliminary Steps

- 5.1.** A student must have completed all prior levels of review or appeal open to them before filing a request under these Procedures. These will include requests and appeals submitted directly to the Faculty or submitted through the Office of the Registrar via electronic means.

6. Process for Submitting an Appeal Request

- 6.1.** Where an Appeal is permitted, after exhausting all prior levels of review or appeal as noted in Section 5.1, a student may submit an Appeal request no later than 4:00 p.m. on the tenth (10th) Working Day after the date of the Decision by the Decision-Maker, by following the process outlined in Section 6.2.

6.2. Starting an Appeal

- 6.2.1.** An Appeal is commenced by the student filing the completed Appeal Submission with the Judicial Officer by email to academicappeals@ontariotechu.ca within the time limit specified in Section 6.1. The Judicial Officer may appoint a Designate for the coordination of Appeals.

- 6.3.** The student's Appeal Submission will be reviewed by the Judicial Officer for completeness. Where the Judicial Officer determines that the student's Appeal Submission is incomplete, the matter will be referred to the Chair under Section 7.

- 6.4.** The Judicial Officer shall provide to the Decision-Maker a copy of the Appeal Submission and inform the Office of the Registrar that an Appeal Submission has been received.

- 6.4.1.** Where the Appeal Submissions were rectified under Section 7, the Decision-Maker will only be provided a copy of the rectified Appeal Submission.

- 6.4.2.** The Decision-Maker shall have fifteen (15) Working Days after receiving the Appeal Submission to file responding submissions with all supporting documents (the "Responding Submission") with the Judicial Officer by email to academicappeals@ontariotechu.ca.

6.4.3. Where the Appeal is determined not to proceed under Section 7, the Decision-Maker will not be required to file responding submissions.

6.5. The Judicial Officer will provide the Responding Submissions to the student for information and forward the Appeal and Responding Submissions to the Chair of the Academic Appeals Committee (the “Chair”).

7. Decision Not to Proceed

7.1. The Chair may decide not to continue the Appeal process if:

- a) The Appeal Submission is substantively incomplete;
- b) The Chair determines that the Academic Appeals Committee does not have jurisdiction to decide the Appeal; or
- c) The Appeal Submission is received after the deadline for starting an appeal has passed and there has not been an approved request for an extension of time.

7.2. If the decision is made under Section 7.1(a), the Chair, or the Judicial Officer acting under direction of the Chair, will notify the student of their decision not to proceed and provide the reasons for the decision and the requirements to rectify. The student must rectify within 10 Working Days of service of the notice.

7.2.1. If the student fails to rectify as required, the Appeal shall be dismissed, and the Chair, or the Judicial Officer acting under direction of the Chair, will notify the student to that effect. The Judicial Officer will notify the Decision-Maker and the Office of the Registrar that the Appeal is closed.

7.3. If the decision is made under Section 7.1(b) or Section 7.1(c), the Chair, or the Judicial Officer acting under direction of the Chair, will notify the student of their decision not to proceed and provide the reasons for the decision. The Judicial Officer will notify the Decision-Maker and the Office of the Registrar that the appeal is closed.

8. Informal Resolution

8.1. At any stage after an Appeal request has been submitted, but prior to a hearing before the Academic Appeals Committee, the Chair may refer the matter back to the original Decision-Maker for reconsideration in light of the information provided in the Appeal and Responding Submissions.

8.1.1. When a matter is referred back to the Decision-Maker, the Judicial Officer will inform the student.

8.2. The Decision-Maker will review the Decision in consultation with the Judicial Officer and within ten (10) Working Days make a written offer of resolution to the student.

8.3. The student will have five (5) Working Days to either accept or decline the offer of resolution and inform the Academic Appeals Committee, in writing by email to

academicappeals@ontariotechu.ca, of their intention to withdraw or continue their Appeal request.

- 8.4. Any proposals reviewed or discussed are confidential and may not be disclosed to the Academic Appeals Committee.
- 8.5. If the student rejects the offer of resolution, the matter will proceed to a hearing.
- 8.6. Once an offer of resolution is rejected by the student, it cannot be accepted or requested at a later date. Once the Appeal proceeds to a hearing, the Academic Appeals Committee is not bound by the original Decision or any offer of resolution.
- 8.7. If an offer of resolution is accepted, the Judicial Officer will notify the Decision-Maker and the Office of the Registrar.

9. Appeal Hearing

- 9.1. If an Appeal is to proceed to a hearing, the Judicial Officer shall canvass the roster members of the Academic Appeals Committee to ascertain their availability and will then appoint the Appeal Panel convened from among the members of the Academic Appeals Committee.

9.2. Notice of Hearing

The Judicial Officer shall give the student, Appeal Panel, and Decision-Maker at least thirty (30) calendar days' notice of the hearing. The notice shall include: the date, time, place, and purpose of the hearing.

9.3. Hearing Procedure

No less than ten (10) Working Days prior to the hearing, the student will deliver to the Judicial Officer by email to academicappeals@ontariotechu.ca:

- a) Any written submissions or documents not already included in the Appeal Submission;
- b) A list of persons attending as witnesses and a brief summary of each witness's intended evidence.

- 9.4. No less than five (5) working days prior to the hearing, the responding Decision-Maker, will deliver to the Judicial Officer by email to academicappeals@ontariotechu.ca:

- a) Any written submissions or documents not already included in the Responding Submission;
- b) A list of persons attending as witnesses and a brief summary of each witness's intended evidence.

- 9.5. The Judicial Officer will share submissions with the student, the responding Decision-Maker and the members of the Appeal Panel.

Appeal hearings are to be conducted in private. The Chair may direct who may or may not be present at any stage of oral presentation, with the exception that a the student, the responding Decision-Maker, and their respective advisor or counsel cannot be excluded.

- 9.6. The hearing shall be conducted by the Chair or Vice-Chair, serving as the Panel Chair. At the commencement of the Hearing, the Panel Chair will identify the parties and the members of the Appeal Panel.
- 9.7. The student or a representative will briefly describe the case to be presented, and provide factual support for the case through documentary evidence and testimony of the student and any witnesses, if relevant.
- 9.8. Where facts important to the decision of the Appeal are in dispute, the responding Decision-Maker may ask permission and, if appropriate, the Panel Chair may grant permission for the cross-examination of some or all witnesses. Where permission is granted, questioning of the student and their witnesses by the responding Decision-Maker occurs at the close of each person's testimony.
- 9.9. The responding Decision-Maker or a representative will briefly reply to the student's case and provide facts in opposition to the case through documentary evidence and the testimony of witnesses, if relevant.
- 9.10. Where facts important to the decision of the Appeal are in dispute, the student may ask permission and, if appropriate, the Panel Chair may grant permission for the cross-examination of some or all witnesses. Where permission is granted, questioning of the responding Decision-Maker and their witnesses by the student occurs at the close of each person's testimony.
- 9.11. The student and their witnesses have the right to offer testimony or other evidence in reply to the issues raised in the responding Decision-Makers case.
- 9.12. The Appeal Panel may ask questions at the conclusion of each person's statement or testimony, or at the conclusion of the student's or responding Decision-Maker's case. The Appeal Panel may also request copies of such documents mentioned in testimony as the Appeal Panel in its discretion sees fit.
- 9.13. Following the presentation of the student's and the responding Decision-Maker's cases, each of the student and the responding Decision-Maker may make brief closing statements to summarize the main points of their respective positions.
- 9.14. Following the foregoing steps, the parties will withdraw, and the Appeal Panel will move in-camera for its deliberations. Where deemed necessary, the Appeal Panel may invite the front-line student facing staff member to attend the in-camera session in an advisory capacity.

10. Outcome of a Hearing and Decision of the Academic Appeals Committee

- 10.1.** Where an Appeal proceeds to a hearing, the decision of the Appeal Panel shall be deemed to be a decision of the Academic Appeals Committee and is considered final.
- 10.2.** The decision of the Academic Appeals Committee will be in writing and will include the names of the Appeal Panel and all who appeared, a brief summary of the issues on the Appeal, the Committee's decision, and reasons in support of the decision. Decisions are to be sent to the parties as soon as possible, normally within twenty (20) Working Days after the completion of the hearing.
- 10.3.** In deciding an Appeal, the Academic Appeals Committee may do one of the following:
- a) Dismiss the Appeal and re-affirm the Decision under Appeal;
 - b) Accept the Appeal and overturn the Decision under Appeal;
 - c) Accept the Appeal and remit the matter back to the Decision-Maker with directions or recommendations; or
 - d) Accept the Appeal and implement the remedy deemed necessary and reasonable in the circumstances by the Academic Appeals Committee.
- 10.4.** Where an Appeal is accepted, the remedy determined by the Academic Appeals Committee is not limited or restricted by or to the remedy or redress requested by the student.
- 10.5.** The Judicial Officer will notify the Decision-Maker and the Office of the Registrar of the outcome of the Appeal.

11. Time Limits

- 11.1.** The time limits specified under these procedures may be extended by the Chair at the request of the student or responding Decision-Maker, if reasonable grounds are shown for the extension.
- 11.2.** The student or responding Decision-Maker may request an extension by email to academicappeals@ontariotechu.ca. The request for an extension must include reasons for the request. Where reasons are not provided in support of the request for an extension, the request shall be automatically denied.

12. Amendments to the Procedures

- 12.1.** To the extent that a procedural issue is not dealt with in these Procedures, or there is a request to amend these Procedures, the Chair shall have the power to issue procedural directions about the disposition of the individual Appeal in which the procedural issue has arisen.

MONITORING AND REVIEW

- 13.** These Procedures will be reviewed as necessary and at least every three years. The Provost, or successor thereof, is responsible to monitor and review these Procedures.

RELATED POLICIES, PROCEDURES & DOCUMENTS

- 14.** Undergraduate Academic Appeals Policy
Request for Appeal to the Academic Appeals Committee Form
Fair Processes Policy
Graduation and Conferral of Degrees Policy
Grade Reappraisal and Review of Academic Standing Policy and Procedures
Policy on Micro-credentials and Continuous Learning Offerings



Classification Number	ACD 1512.01
Parent Policy	Academic Appeal Policy
Framework Category	Academic
Approving Authority	Academic Council
Policy Owner	Provost
Approval Date	June 15, 2021
Review Date	June 2024
Supersedes	February 23, 2016; Academic Regulations – Undergraduate Academic Calendar 2016-2017

UNDERGRADUATE ACADEMIC APPEALS PROCEDURES

PURPOSE

1. The purpose of these Procedures is to outline the process for seeking review of a Decision by a Faculty, the Registrar, or delegate under the Undergraduate Academic Appeals Policy (the “Policy”).

DEFINITIONS

For the purposes of these Procedures the definitions in the Policy as well as the following ~~definitions~~ apply:

2. **“Appeal Panel”** means a subset of the Academic Appeals Committee that is convened when necessary to hear an Appeal. The Appeal Panel will be composed of at least four members of the Academic Appeals Committee, as determined by the Chair, provided that at least one student member, at least two teaching staff members, and the Registrar or designate are present. The Chair or Vice-Chair shall be counted as one of the Appeal Panel members. The Chair may invite one (1) additional staff member in a frontline student-facing role to ~~participate~~ attend a hearing on the Appeal Panel in an advisory capacity, where relevant.

“Appeal Submission” means a written submission in support of the Appeal and must include all of the following:

- A completed Request for Appeal to the Academic Appeals Committee Form (the “Form”);
- A complete copy of the Decision that is being appealed;
- The form of remedy or redress requested;
- The specific Grounds, as outlined in Section 9 of the Policy, on which the Appeal is made;
- A summary of the evidence in support of these Grounds; and
- The text of the relevant procedural regulations (if any) allegedly violated or otherwise deemed applicable to the case.

“Responding Submission” means a written submission, including all relevant supporting documentation, by the Decision Maker in response to the Appeal Submission.

“Panel Chair” means the individual who is responsible for conducting a hearing.

“Working Day” means any day, excluding Saturdays, Sundays, statutory holidays and university closures, on which business can be conducted. For clarity, any day on which university business can be conducted, including non-teaching days, examination days, and Reading Week, are Working Days.

SCOPE AND AUTHORITY

3. These Procedures are to be read in conjunction with the Policy and apply to requests by Undergraduate Students for review ~~by undergraduate students~~ of Decisions (as defined in the Policy) of Ontario Tech University (the “University”).
4. The Provost, or successor thereof, is the Policy Owner and is responsible for overseeing the implementation, administration and interpretation of these Procedures.

PROCEDURES

5. Preliminary Steps

- 5.1. A student must have completed any-all prior levels of review or appeal open to them before filing a request under these Procedures. These will include requests and appeals submitted directly to the Faculty or submitted through the Office of the Registrar via electronic means.

6. Process for Submitting an Appeal Request

- 6.1. Where an Appeal is permitted, after exhausting all prior levels of review or appeal as noted in Section 5.1, a student may submit an Appeal request no later than 4:00 p.m. on the tenth (10th) Working Day after the date of the Decision by the Decision-Maker, by following the process as outlined in Section 6.2.

6.2. Starting an Appeal

- 6.2.1. An Appeal is commenced by the student filing the completed Appeal Submission with the Judicial Officer by email to academicappeals@ontariotechu.ca within the time limit specified in Section 6.1. The Judicial Officer may appoint a Designate for the coordination of Appeals.

- 6.3. The student’s Appeal Submission will be reviewed by the Judicial Officer for completeness. Where the Judicial Officer determines that the student’s Appeal Submission is incomplete, the matter will be referred to the Chair under Section 7.

- 6.4. The Judicial Officer shall provide to the Decision-Maker a copy of the Appeal Submission and inform the Office of the Registrar that an Appeal Submission has been received.

- 6.4.1. Where the Appeal Submissions were rectified under ~~s.~~Section 7, -the Decision-Maker will only be provided a copy of the rectified Appeal Submission.

- 6.4.2. The Decision-Maker shall have fifteen (15) Working Days after receiving the Appeal Submission to file responding submissions with all supporting documents (the a “Responding Submission”) with the Judicial Officer by email to academicappeals@ontariotechu.ca.

~~6.3.6.4.3.~~ Where the Appeal is determined not to proceed under Section 7, the Decision-Maker will not be required to file responding submissions.

~~6.4.6.5.~~ The Judicial Officer will provide the Responding Submissions to the student for information and forward the Appeal and Responding Submissions to the Chair of the Academic Appeals Committee (the "Chair").

7. Decision Not to ~~Accept the Appeal or to Dismiss on a Preliminary Basis~~ Proceed

7.1. The Chair may decide not to continue the Appeal process if:

- a) The Appeal Submission is ~~incomplete or otherwise~~ substantively defective/incomplete;
- b) The Chair determines that the Academic Appeals Committee does not have jurisdiction to decide the Appeal; or
- ~~b)c)~~ The Appeal Submission is received after the deadline for starting an appeal has passed and there has not been an approved request for an extension of time.
- ~~c)~~ The Chair determines that the Appeal is clearly without merit or has been commenced in bad faith.

7.2. If the decision is made under ~~s-~~Section 7.1(a), the Chair, or the Judicial Officer acting under direction of the ~~C~~chair, will notify the student of their decision not to proceed and provide the ~~with~~ reasons for the decision and the requirements to rectify. The student must rectify within 10 ~~W~~working ~~W~~days of service of the notice.

7.2.1. If the student fails to rectify as required, the ~~a~~Appeal shall be dismissed, and the ~~C~~chair, or the Judicial Officer acting under direction of the Chair, will notify the student to that effect. The Judicial Officer will notify the Decision-Maker and the Office of the Registrar that the Appeal is closed.

7.3. If the decision is made under ~~Sections-~~ 7.1(b) or ~~Sections-~~ 7.1(c), the Chair, or the Judicial Officer acting under direction of the ~~e~~Chair, will notify the student of their decision not to proceed ~~with~~and provide the reasons for the decision. The Judicial Officer will notify the Decision-Maker and the Office of the Registrar that the appeal is closed.

8. Informal Resolution

8.1. At any stage after an Appeal request has been submitted, but prior to a hearing before the Academic Appeals Committee, the Chair may refer the matter back to the original Decision-Maker for reconsideration in light of the information provided in the Appeal and Responding Submissions.

8.1.1. When a matter is referred back to the Decision-Maker, the Judicial Officer will inform the student.

8.2. The Decision-Maker will review the Decision in consultation with the Judicial Officer and within ten (10) Working Days make a written offer of resolution to the student.

8.3. The student will have five (5) Working Days to either accept or decline the offer of resolution and inform the Academic Appeals Committee, in writing by email to

academicappeals@ontariotechu.ca, of their intention to withdraw or continue their Appeal request in writing by email to academicappeals@ontariotechu.ca.

8.4. Any proposals reviewed or discussed are confidential and may not be disclosed to the Academic Appeals Committee.

8.4.8.5. If the student rejects the offer of resolution, the matter will proceed to a hearing.

8.6. Once an offer of resolution is rejected by the student, it cannot be accepted or requested at a later date. Once the Appeal proceeds to a hearing, the Academic Appeals Committee is not bound by the original Decision or any offer of resolution.

8.5-8.7. If an offer of resolution is accepted, the Judicial Officer will notify the Decision-Maker and the Office of the Registrar.

9. Appeal Hearing

9.1. If an Appeal is to proceed to a hearing, the Judicial Officer shall canvass the roster members of the Academic Appeals Committee to ascertain their availability and will then appoint the Appeal Panel convened from among the members of the Academic Appeals Committee.

9.2. Notice of Hearing

The Judicial Officer shall give the ~~parties~~ student, Appeal Panel, and Decision-Maker at least thirty (30) calendar days' notice of the hearing. The notice shall include: ~~The~~ the date, time, place, and purpose of the hearing.

9.3. Hearing Procedure

No less than ten (10) Working Days prior to the hearing, the student will deliver to the Judicial Officer by email to academicappeals@ontariotechu.ca:

a) Any written submissions or documents not already included in the Appeal Submission; to be relied upon at the hearing;

~~b)~~ Copies of all documents to be referred to at the hearing;

~~e)b)~~ A list of persons attending as witnesses and a brief summary of each witness's intended evidence.

9.4. No less than five (5) working days prior to the hearing, the responding Decision-Maker, will deliver to the Judicial Officer by email to academicappeals@ontariotechu.ca:

~~a)~~ Any written submissions to be relied upon at the hearing;

~~b)a)~~ Copies of all documents to be referred to at the hearing; Any written submissions or documents not already included in the Responding Submission;

~~e)b)~~ A list of persons attending as witnesses and a brief summary of each witness's intended evidence.

9.5. The Judicial Officer will share submissions with the student, the responding Decision-Maker, and the members of the Appeal -Panel.

~~9.6.~~ Appeal hearings are normally to be conducted in private. The Chair may direct who may or may not be present at any stage of oral presentation, with the exception that ~~a party~~ the student, the responding Decision-Maker, and their respective advisor or counsel cannot be excluded.

~~9.7.9.6.~~ The hearing shall be conducted by the Chair or Vice-Chair, servicing as the Panel Chair. At the commencement of the ~~Oral~~ Hearing, the Panel Chair will identify the parties and the members of the Appeal Panel.;

~~9.7.~~ The student or a representative will briefly describe the case to be presented, and provide factual support for the case through documentary evidence and testimony of the student and any witnesses, if relevant.;

~~9.8.~~ Where facts important to the decision of the Appeal are in dispute, the responding Decision-Maker may ask permission and, if appropriate, the Panel Chair may grant permission for the cross-examination of some or all witnesses. Where permission is granted, questioning of the student and their witnesses by the responding Decision-Maker occurs at the close of each person's testimony.;

~~9.9.~~ The responding Decision-Maker or a representative will briefly reply to the student's case and provide facts in opposition to the case through documentary evidence and the testimony of witnesses, if relevant.;

~~9.10.~~ Where facts important to the decision of the Appeal are in dispute, the student may ask permission and, if appropriate, the Panel Chair may grant permission for the cross-examination of the some or all witnesses. Where permission is granted, questioning of the responding Decision-Maker and their witnesses by the student occurs at the close of each person's testimony.

~~9.11.~~ The student and their witnesses have the right to offer testimony or other evidence in reply to the issues raised in the responding Decision-Makers case.

~~9.9.~~

~~9.12.~~ The Appeal Panel may ask questions at the conclusion of each person's statement or testimony, or at the conclusion of the student's or responding Decision-Maker's case. The Appeal Panel may also request copies of such documents mentioned in testimony as the Appeal Panel in its discretion sees fit.

~~9.10.~~ _____;

~~9.11.~~ _____ Normally, neither the student nor the responding Decision-Maker or representative may ask questions of the other's witnesses. Where facts important to the decision of the appeal are in dispute, however, either party may ask permission and, if appropriate, the Chair may grant permission for the cross-examination of some or all witnesses;

~~9.12.9.13.~~ Following the presentation of the student's and the responding Decision-Maker's cases, each of the student and the responding Decision-Maker may make brief closing statements to summarize the main points of their respective positions.;

~~9.13.9.14.~~ Following the foregoing steps, the parties will withdraw, and the Appeal Panel will move in-camera for its deliberations. Where deemed necessary, the Appeal Panel may invite the

~~front-line student facing staff member Registrar or their designate to attend the in-camera session in an advisory capacity.~~

10. Outcome of a Hearing and Decision of the Academic Appeals Committee

10.1. Where an Appeal proceeds to a hearing, the decision of the Appeal Panel shall be deemed to be a decision of the Academic Appeals Committee and is considered final.

10.2. The decision of the Academic Appeals Committee will be in writing and will include the names of the Appeal Panel and all who appeared, a brief summary of the issues on the Appeal, the Committee's ~~Appeal Panel's~~ decision, and reasons in support of the decision. Decisions are to be sent to the parties as soon as possible, normally within twenty (20) Working Days after the completion of the hearing.

10.3. In deciding an Appeal, the Academic Appeals Committee may do one of the following:

- a) Dismiss the Appeal and re-affirm the Decision under Appeal;
- b) Accept the Appeal and overturn the Decision under Appeal;
- c) Accept the Appeal and Remit the matter back to the Decision-Maker with directions or recommendations; or
- d) Accept the Appeal and implement whatever the remedy is deemed necessary and reasonable in the circumstances by the Academic Appeals Committee.

10.4. Where an Appeal is accepted, the remedy determined by the ~~The decision of the~~ Academic Appeals Committee ~~may include some, none, or all of the remedy or redress requested by the appellant student. (E.g. Academic standing, final grades, or sanctions may change in favour of or not in favour of the student, withdrawals may be granted or rescinded, notations added to, deleted from or changed on transcript, assessments re-written or re-appraised)~~ is not limited or restricted by or to the remedy or redress requested by the student.

~~10.4.10.5.~~ The Judicial Officer will notify the Decision-Maker and the Office of the Registrar of the outcome of the Appeal.

11. Time Limits

11.1. The time limits specified under these procedures may be extended by the Chair at the request of the student or responding Decision-Maker, if reasonable grounds are shown for the extension.

~~11.1.11.2.~~ The student or responding Decision-Maker may request an extension by email to academicappeals@ontariotechu.ca. The request for an extension must include reasons for the request. Where reasons are not provided in support of the request for an extension, the request shall be automatically denied.

12. Amendments to the Procedures

12.1. To the extent that a procedural issue is not dealt with in these Procedures, or there is a request to amend these Procedures, the Chair shall have the power to issue procedural directions about the ~~conduct disposition~~ of the individual Appeal in which the procedural issue has arisen.

MONITORING AND REVIEW

- 13.** These Procedures will be reviewed as necessary and at least every three years. The Provost, or successor thereof, is responsible to monitor and review these Procedures.

RELATED POLICIES, PROCEDURES & DOCUMENTS

- 14.** Undergraduate Academic Appeals Policy

Request for Appeal to the Academic Appeals Committee Form

Fair Processes Policy

Graduation and Conferral of Degrees Policy

Grade Reappraisal and Review of Academic Standing Policy and Procedures

[Policy on Micro-credentials and Continuous Learning Programs](#)