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UNDERGRADUATE ACADEMIC APPEALS PROCEDURES (2021-2024 Version)

The 2021-2024 Version (**this version**) of the Undergraduate Academic Appeals Policy and Procedure will apply to requests for review filed before, during and relating to the Winter 2024 semester.

The Revised Version of the Undergraduate Academic Appeals Policy and Procedure will take effect on May 6, 2024, and will apply to requests for review filed during the Spring 2024 semester and onward.

PURPOSE

1. The purpose of these Procedures is to outline the process for requesting a Decision review where there is new evidence to offer, or where procedural irregularities affected the original decision. The review may lead to an Informal Resolution or a formal Appeal to the Academic Appeals Committee.

DEFINITIONS

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

“Balance of Probability” means a standard of proof that applies to all decisions. This standard requires a decision-maker to, after considering and weighing the evidence, believe a fact, event or allegation is more likely to have occurred than not when arriving at a decision.

“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.

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

SCOPE AND AUTHORITY

- 3. These Procedures apply to Decisions other than Graduate-level Decisions.
- 4. The Graduate Academic Appeal Policy provides a route for reconsideration of Graduate-level Decisions.
- 5. The Provost, or successor thereof, is the Policy Owner and is responsible for overseeing the implementation, administration and interpretation of these Procedures.

PROCEDURES

6. Process for submitting a request for Decision review

- 6.1. Requests must be submitted to the Judicial Officer within 10 working days of the original administrative Decision by the Decision-Maker using the form supplied and must contain:
 - A copy of the Decision that is being appealed;
 - The form of redress requested;
 - The specific grounds 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.

7. Initial Review

- 7.1.** The Decision review request is initially reviewed by the Judicial Officer to assess whether there is some evidence, which if believed, constitutes new evidence or a procedural irregularity. There are four (4) potential outcomes arising out of this initial review:
- a)** The evidence submitted by the appellant, even if accepted by the committee as true, would not be sufficient to prove either ground of appeal on a Balance of Probabilities, and the appeal is dismissed without a hearing or further consideration (Dismissal);
 - b)** There is some evidence of one or both grounds, and the Judicial Officer recommends a voluntary Informal Resolution process involving the Decision-Maker and the student. (Informal Resolution);
 - c)** There is some evidence of one or both grounds, and the matter proceeds to a formal oral or written hearing (Formal Hearing); or
 - d)** There is overwhelming evidence of one or both grounds, such that the Committee can render a decision on the merits of the appeal without a hearing (Appeal Granted).

8. Informal Resolution

- 8.1.** The Judicial Officer may, with the consent of the appellant, refer the matter back to the original decision maker for reconsideration in light of the new evidence or procedural irregularity.
- 8.2.** The Informal Resolution process is voluntary. The appellant may instead request a Formal Hearing.
- 8.3.** 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 appellant.
- 8.4.** The appellant will have five (5) Working Days to either accept or communicate their non-acceptance in writing to the Academic Appeals Committee.
- 8.5.** If the appellant rejects the informal resolution offer, the matter will proceed to a Formal Hearing of the Academic Appeals Committee.
- 8.6.** Once an informal resolution offer is rejected by the appellant, it cannot be accepted or requested at a later date. The Academic Appeals Committee is not bound by the original Decision or any Informal Resolution offer.

9. Formal Hearing

- 9.1.** The Academic Appeals Committee may exercise its discretion to call a formal hearing to assess the merits of the case where there is some evidence, which if accepted by the committee as true, constitutes new evidence or evidence of procedural irregularity. Where merited, the committee will exercise its discretion to call a hearing. Hearings may be in writing or in person. Oral hearings may be warranted in circumstances where documentary evidence requires clarification,

findings of credibility are required to reach a decision, or for matters involving serious consequences.

10. Written Hearing Procedures

- 10.1.** As soon as reasonably practicable the Committee will provide a copy of the Notice of Appeal to the responding Decision-Maker;
- 10.2.** The responding Decision-Maker has ten (10) Working Days to deliver to the Committee a written response to the Notice of Appeal, attaching any documents relevant to the decision under appeal. A copy of the written response and attached documents will be provided to the appellant by email;
- 10.3.** The appellant will have ten (10) Working Days from the mailing date of the responding Decision-Maker's response to provide any final written response. A copy of this will be provided to the responding Decision-Maker.
- 10.4.** Where the appeal is to be determined in writing, the members of the panel may convene in person or via teleconference to consider the submissions of the appellant and the responding Decision-Maker.

11. Oral Hearing Procedures

- 11.1.** Upon receipt of the Notice of Appeal, the Committee, in consultation with the appellant and the responding Faculty will schedule a date for the oral hearing;
- 11.2.** No less than ten (10) working days prior to the hearing, the appellant, will deliver to the Judicial Officer:
 - a)** Any written submissions to be relied upon at the hearing;
 - b)** Copies of all documents to be referred to at the hearing;
 - c)** A list of persons attending as witnesses and a brief summary of each witness's intended evidence;
- 11.3.** No less than five (5) working days prior to the hearing, the responding Decision-Maker, will deliver to the Judicial Officer:
 - a)** Any written submissions to be relied upon at the hearing;
 - b)** Copies of all documents to be referred to at the hearing;
 - c)** A list of persons attending as witnesses and a brief summary of each witness's intended evidence;
- 11.4.** The Judicial Officer will share submissions with the appellant, the responding decision-maker and members of the Academic Appeals Committee.
- 11.5.** At the commencement of the Oral Hearing, the chair will identify the parties and the members of the Committee;

- 11.6. The appellant 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 appellant and any witnesses, if relevant;
- 11.7. The responding Decision-Maker or a representative will briefly reply to the appellant's case and provide facts in opposition to the case through documentary evidence and the testimony of witnesses, if relevant;
- 11.8. Committee members may ask questions at the conclusion of each person's statement or testimony, or at the conclusion of the appellant's or responding Decision-Maker's case;
- 11.9. Normally, neither the appellant 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 Committee may grant permission for the cross-examination of some or all witnesses;
- 11.10. Following the presentation of the appellant's and the responding Decision-Maker cases, each of the appellant and the responding Decision-Maker may make brief closing statements to summarize the main points of their respective positions;
- 11.11. Following the foregoing steps, the parties will withdraw and the Committee will move in camera for its deliberations;
- 11.12. The decision of the Committee will be in writing and will include the names of the Committee and all who appeared, a brief summary of the issues on the appeal, the Committee's decision and reasons in support of the decision.

12. Outcomes

- 12.1. The Academic Appeals Committee will grant an appeal where the new evidence or evidence of a procedural irregularity has been proven by the appellant on a Balance of Probabilities and has not been rebutted. In this case, the Academic Appeals Committee may:
 - a) overturn the decision,
 - b) substitute a different decision and/or sanction; or
 - c) order any other remedy viewed to be appropriate in all of the circumstances.
- 12.2. The decision may include some, none or all of the redress requested by the appellant. (Eg. Academic standing, final grades or sanctions may change in favour of or not in favour of student, withdrawals may be granted or rescinded, notations added to, deleted from or changed on transcript, assessments re-written or re-appraised)

13. Time Limits

- 13.1. The time limits specified under these procedures may be extended by the chair at the request of the appellant or responding Decision-Maker, if

reasonable grounds are shown for the extension.

MONITORING AND REVIEW

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

RELEVANT LEGISLATION

15. This section intentionally left blank

RELATED POLICIES, PROCEDURES & DOCUMENTS

16. Undergraduate Academic Appeals Policy
[Notice of Academic Appeal Form](#)
Fair Processes Policy
Graduation and Conferral of Degrees Policy
Grade Reappraisal and Review of Academic Standing Policy and Procedures