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UNDERGRADUATE ACADEMIC APPEALS PROCEDURES (Revised Version)

The 2021-2024 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 (**this 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 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**
 - a) 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.

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

- a) 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.

- a) 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 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.

RELEVANT LEGISLATION

- 14.** This section intentionally left blank.

RELATED POLICIES, PROCEDURES & DOCUMENTS

- 15.** 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