



### **Academic Appeals Board (Undergraduate)**

Approved December 1, 2010

#### Membership

The Faculty of Applied Science and Engineering's Academic Appeals Board ("the Appeals Board") is comprised of six faculty members (one nominated from each faculty department) and at least two undergraduate student members. The Appeals Board is chaired by a faculty member appointed by and from its members. The faculty members are appointed where practicable with consideration to continuity, discipline, relevance and quorum needs for a term of at least three years, and where possible, subject to re-appointment.

An Administrative Support staff will be appointed to provide support for the activities of the Board but will not participate in any deliberations of the hearing panels of the Appeals Board.

#### Responsibilities

- a) To hear appeals of undergraduate students against decisions of the Standing Committees of Council relating to petitions for exemptions from the application of academic regulations or standards and to make rulings on such appeals. The Academic Appeals Board decision is final within the Faculty but its decisions may be appealed by the student to the Academic Appeals Committee of the Governing Council.
- b) To generate and disseminate recommendations arising from appeals.

#### Rules of Procedure

Students and faculty members and committees are encouraged to participate in informal or formal means of resolving the issues in dispute throughout the petitions and appeals process. Information and advice can be obtained from the Office of the Registrar.

A student requesting an appeal or access to the appeals process shall have the opportunity to raise matters of proper concern without fear of disadvantage.

Requesting Appeals: An appeal must be submitted as soon as possible and no later than thirty days of the date of notification of a petition decision from the Standing Committee of Council. Appeals must state the nature and grounds for the appeal and should include copies of all material to be submitted by the appellant. In the case of appeals against decisions of the Committee on Examinations, the Academic Appeals Board will ask that Committee to review the appeal and

any new documentation to make a recommendation. This recommendation will state whether the Committee on Examinations would have ruled differently had they reviewed the new evidence or if the Committee would consider informal mediation. If the Committee's position does not change, the Board will schedule the appeal for hearing.

Appeals must be submitted in writing to the Registrar of the Faculty, who will confidentially distribute copies of the material to each member for consideration. Copies of the materials will also be provided to the Chair of the Standing Committee. All documents pertaining to an appeal, including the written appeals, will be provided to the Academic Appeals Board and the parties to the appeal and will be treated with appropriate confidentiality except to the extent necessary to proceed with the appeal.

Following the recommendation from the Committee on Examination, the Secretary of the Appeal Board shall send a letter to the appellant that will:

- a. acknowledge receipt of the appeal;
- b. state the recommendation by the Committee on Examination;
- c. inform the appellant they will be placed in queue for a hearing to take place at the first available opportunity; no later than 90 days henceforth;
- d. recommend that the appellant meet with an officer or undergraduate counsellor who is knowledgeable about the appeals process;
- e. inform the student that he/she may appear in person, with or without counsel or advisor, to present his/her case, and call evidence and present arguments;
- f. inform the appellant that should he/she fail to appear at the scheduled hearing, the Appeal Board may proceed in his or her absence and he/she will not be entitled to further notice of the proceedings.

Hearings:

Hearings are called by the Chair as required, but not later than 90 business days after the submission of an appeal.

The parties to the hearing are the student appellant and the representative of the Standing Committee appealed from. Both

parties are entitled to be present throughout the hearing, to make opening statements, call evidence and make closing submissions. The Board members may ask questions of the parties and witnesses through the Chair.

Procedural matters governing the hearings by the Board shall be determined by the Chair.

The Hearing Panel:

The Chair will appoint the hearing panel for each appeal. A hearing panel for an Appeal must include at least three members of the Board of whom at least one shall be a student member. Normally, the Chair of the Appeal Board will act as the Chair of the hearing panel. If, for any reason, the Chair of the Appeal Board is not available to act as the Chair of a hearing panel, he/she will appoint another faculty member of the Appeal Board to act as the Chair of that hearing panel. All members of the hearing panel must be present throughout the hearing of an appeal.

Any member of the Appeal Board must excuse his/her presence at the hearing if a conflict of interest would disallow his/her ability to act as a neutral adjudicator and a new panel will be appointed if necessary. If a new panel must be appointed, the Chair will stay all deadlines until quorum can be met.

## Appeal Consideration

Disposition:

Following the conclusion of the hearing, the hearing panel of the Board will deliberate in confidence. Only members of the hearing panel may participate in the deliberations and decision in the appeal. The hearing panel will make every effort to reach a decision on the day of the hearing but may deliberate until its next session. All deliberations will be held in the strictest confidence. Each appeal is discussed and decided on its merits based on the evidence before the hearing panel.

After hearing the appeal, the hearing panel may a) dismiss the appeal; or b) allow the appeal and render the decision that it believes should have been made; or, remit the matter back to the decision-maker for reconsideration. The hearing panel's decision shall be recorded in writing with the reasons for the decision and communicated to the parties by the Chair of the Board via mail no later than ten business days after the hearing. If the student cannot be reached by mail, he/she will be informed by e-mail to receive the appeals decision from the Office of the Registrar.

- Timelines: Timelines in these procedures may be extended by the Chair of the Board or hearing panel in appropriate circumstances where the delay is sufficiently explained and the Chair is satisfied that no undue prejudice to the appeals process will result from the extension. Parties should seek extensions well in advance of the expiry of any deadline, wherever possible.
- Records: The record of the appeal will include the notice of Appeal, the documents filed and the Hearing Panel of the Board's written decision. The record of the appeal will be kept on file with the Faculty Registrar for a period of at least the appellant's continuous enrolment in the Faculty plus one year.
- Reports: The Appeals Board shall report annually to Council at the regular Fall meeting indicating the number of appeals brought in the previous year and the disposition of those appeals. No information identifying appellants may be included in the Annual Report.

The Academic Appeals Board has the right to refuse to give formal hearing to an appeal (by unanimous consent of the members and without prior discussion) on the grounds that it is not within the jurisdiction of the Board.

The Academic Appeals Board has the right to refuse to give formal hearing to an appeal (by unanimous consent of the members and without prior discussion), after considering the written submissions, on the grounds that there is no real case for an appeal.