



MEMORANDUM

To: Executive Committee of Faculty Council (September 28, 2021)
Faculty Council (December 16, 2021)

From: Professor Don Kirk
Chair, Academic Appeals Board (Undergraduate)

Date: November 16, 2021

Re: Updated Academic Appeals Board Manual

REPORT CLASSIFICATION

This is a major policy matter that will be considered by the Executive Committee for endorsing and forwarding to Faculty Council for vote as a special motion (requiring a 2/3 majority of members present and voting to carry).

BACKGROUND

Following the update of the Faculty Council constitution and by-laws in 2019-2020, it was apparent that the governance of standing committees and the Academic Appeals Board (AAB) also needed updating. Dean Yip formed the Working Group to Update Standing Committees of Council in the summer of 2020 with a mission to update the guiding principles for standing committees and the AAB, to support the updating of the existing standing committee and AAB manuals, and to support the creation of a manual for the Executive Committee of Council. The target completion date was set as June 30, 2021.

PROCESS AND CONSULTATION

As the Working Group began updating the standing committee and AAB manuals, it became apparent that some details of the manuals are beyond the scope of the Working Group and do not require the approval of Faculty Council. It was decided instead that the committees' terms of reference, domains and memberships would be specified in the Council by-laws, which are approved by Faculty Council.

The updated function, membership and name of the Academic Appeals Board ("Academic Appeals Board Undergraduate") were developed by the Working Group in collaboration with the AAB, but because the AAB's manual contains a large amount of operational detail, the Executive Committee agreed on June 16, 2021 that the manual continue to reflect its function

and membership separately from the bylaws, and that the manual continue to be subject to Faculty Council approval. The AAB approved its revised manual on August 16, 2021.

RECOMMENDATION FOR COUNCIL

THAT the revised Academic Appeals Board manual, as described in Report 3694 Revised, be approved effective January 1, 2022.

2021 AAB Manual Draft V7; Rev. 092921

**Manual for the
Academic Appeals Board (Undergraduate) AAB(U)**

**A Standing Board of the Council
of the Faculty of Applied Science & Engineering**

Approved by the Council of the Faculty of Applied Science & Engineering: [2021-12-16]

Manual for the Academic Appeals Board (Undergraduate) (AAB(U))

1. Preamble

Each standing committee and board of Council is required to have an approved manual which provides detail particular to the committee or board. The purpose of the manual is to promote openness, transparency and accountability with respect to committee and board responsibilities and operations. Each standing committee and board of Council is to be operated within the guidelines provided by the *Procedures for Standing Committees of Council*.

2. Terms of Reference

On behalf of Faculty Council, each standing committee and board, being comprised of representative of stakeholders within the domain of the committee or board and supported by subject matter experts (if needed) and administrative staff, is responsible, with respect to the domain to:

- a. Provide a forum for the full range of stakeholder voices to discuss present practice and new proposals;
- b. Pursue best practice: investigate, study, report on and promote;
- c. Review, periodically, policies and procedures;
- d. Recommend, as appropriate, changes to policy and procedures;
- e. Carry out specific, defined duties;
- f. Report, regularly, to Council on its activities and intentions.

3. Domain

With respect to undergraduate academic appeals, the AAB(U)'s domain is as follows:

- 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;
 - An AAB(U) appeal decision is final within the Faculty of Applied Science & Engineering; however, its decisions may be appealed to Governing Council's Academic Appeals Committee (AAC)
- b. To generate and disseminate recommendations that arise from Faculty appeals.

4. Term of Office

The AAB(U) shall take office on September 1, and shall remain in office until August 31 of the following year.

5. Membership

The AAB(U) is comprised of seven teaching staff members (one from each Faculty department and one from the Institute for Studies in Transdisciplinary Engineering Education & Practice), at least seven undergraduate student members, the Faculty Registrar (ex officio, non-voting) and a Recording Secretary (non-voting).

Constituent Group	Number	Length of Term
Teaching Staff (one from each listed Academic Unit): <ul style="list-style-type: none">• Chemical Engineering & Applied Chemistry• Civil & Mineral Engineering• Electrical & Computer Engineering• Engineering Science• Institute for Studies in Transdisciplinary Engineering Education & Practice• Materials Science & Engineering• Mechanical & Industrial Engineering	7	3 years
Undergraduate Students	7 (min.)	1 year
Ex officio: Faculty Registrar (non-voting)	1	Ongoing
Recording Secretary (non-voting)	1	Ongoing

Teaching staff members are appointed by their respective chairs and directors by September 1 of each academic year. Appointments are made, where practicable, with consideration to continuity, discipline, relevance and quorum needs for a term of at least three years, and where possible, subject to reappointment.

Undergraduate Student members are appointed by the Executive of the Engineering Society by September 1 of each academic year.

Since many cases are concerned with decisions from the Undergraduate Assessment Committee, an AAB(U) member should not serve on both committees in the same academic year. The Recording Secretary is appointed on an ongoing basis by the Faculty Registrar in consultation with the Chair. The Secretary will provide support for the activities of the Board but will not participate in any deliberations of the hearing panels of the AAB(U), nor vote.

The AAB(U) is chaired and vice-chaired by teaching staff members elected by and from its voting members.

6. Duties

Students, teaching staff 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 regarding the appeals process can be obtained from the Office of the Registrar (registrar@engineering.utoronto.ca). Information is also posted on the Current Engineering Undergraduates website: uoft.me/engappeals.

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

Requesting Appeals

A student must submit an appeal as soon as possible and no later than 30 calendar days from the date of notification of a petition decision from the standing committee of Council. Appeals must be submitted to the Office of the Registrar either in person (GB 157) or by email (registrar@engineering.utoronto.ca).

Appeals must state the nature and grounds for the appeal and should include copies of all materials to be submitted by the appellant.

Students should seek extensions of timelines prior to the expiry of those timelines and provide the reasons for their requests. Requests for extensions should be submitted to the Recording Secretary or the Registrar's Office (registrar@engineering.utoronto.ca) for consideration by the AAB(U)'s Chair.

An appellant may seek guidance and support regarding their appeal and the appeals process from, but not limited to the following: Office of the Registrar staff, AAB(U) Recording Secretary, Academic Advisor, legal counsel, etc.

In the case of appeals against decisions of the Committee on Examinations, the AAB(U) will ask the committee in question to review the appeal and any new documentation to make a recommendation. The recommendation will state whether or not the committee 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 AAB(U) will schedule a hearing for the appeal.

The AAB(U)'s Recording Secretary will distribute confidential copies of the hearing materials to confirmed panelists for their review and consideration. Copies of the materials are also uploaded to the student's petition file in the Faculty's petition system.

All documents pertaining to an appeal, including the written appeal, will be treated with appropriate and strict confidentiality except to the extent necessary to proceed with the appeal.

AAB(U) communications with the appellant shall include:

- a. Acknowledgement of receipt of the appeal and that the appeal will be sent back to the appropriate standing committee for review;
- b. A statement advising the student of any apparent deficiencies in the notice of appeal and that any documents must be provided by a certain date if not included;
- c. The relevant standing committee's (e.g., Undergraduate Assessment Committee) decision regarding the appeal to the original decision;
- d. If the original decision stands, inform the appellant they will be placed in the queue for a hearing to take place at the first available opportunity — no later than 90 business days henceforth;
- e. Recommend the appellant meet with a staff member or academic advisor who is knowledgeable about the appeals process;
- f. Inform the student that they may appear in person, with or without counsel or advisor, to present their case;
- g. A general description of how the AAB(U) conducts hearings and a description of the decisions that the Board may make;
- h. A statement as to how the decision of the Board will be communicated to the appellant;
- i. Inform the appellant that should they fail to appear at the scheduled hearing, the AAB(U) may proceed in their absence and they will not be entitled to further notice of the proceedings;
- j. Inform the appellant of the AAB(U)'s decision regarding their appeal;
- k. Information regarding the deadlines to submit to Governing Council's Academic Appeals Committee (AAC).

The Hearing Panel

The Chair will appoint the hearing panel for each appeal, which is administratively carried out by the AAB(U)'s Recording Secretary. A hearing panel for an appeal must include at least three members of the Board of whom at least one member shall be a student and one member shall be teaching staff.

Typically, the Chair of the AAB(U) will act as the Chair of the hearing panel. If for any reason the Chair of the AAB(U) is not available to act as the Chair of a hearing panel, the Vice-Chair or another available teaching staff member will serve as the Acting Chair of that hearing panel.

All members of the hearing panel must be present throughout the hearing of an appeal to render a vote; if a quorum is lost during an appeal hearing, the appeal will be adjourned to a future date when a quorum can be achieved.

The Board will attempt to ensure there are no conflicts of interest in advance of the actual hearing date. Any member of the AAB(U) must excuse their presence at a hearing if a conflict of interest would disallow their ability to act as a neutral adjudicator. If a conflict of interest is determined to exist during the course of the hearing, the member with the conflict of interest will be excused from the hearing. If a quorum can no longer be met, a new panel will be appointed for a future date.

If a new panel must be appointed, the Chair will stay all deadlines until a quorum can be met.

If, for any reason, a hearing panel cannot be appointed due to matters of scheduling and/or conflicts of interest, the Chair is permitted to reach out to past AAB(U) members (teaching staff and student members) who served on the Board less than five years ago to invite them to serve at such a hearing.

Hearings

Hearings are called by the Chair (through the Recording Secretary) as required, but no later than 90 business days after the submission of an appeal. Hearings may be conducted in person or online via a secure connection.

The appellant will be present along with counsel (e.g., lawyer, advisor, family, friend, etc.), though counsel is not required. The appellant will have approximately 20 minutes to present their case and any new documentation to the hearing panel. Once the appellant has presented their case, the Chair will ask the hearing panel if they have any questions for the appellant.

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

Throughout the appeals process, the student appellant will have the opportunity to raise matters of proper concern to them without fear of disadvantage.

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 final decision regarding the appeal; the Chair, Faculty Registrar, Recording Secretary, and any attending counsel or subject-matter experts may not vote.

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 and does not set a precedent for future or past appeals.

After hearing the appeal, the hearing panel may dismiss the appeal; allow the appeal and render the decision that it believes should have been made (which may or may not be what the appellant originally requested); remit the matter back to the decision-maker for reconsideration or refer the appeal to another Faculty.

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* or email no later than 10 business days after the hearing (*put into the mail within 10 business days).

Timelines

The Chair and/or hearing panel may extend procedural timelines 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, whenever 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 in the Office of the Registrar for a period of at least the appellant's continuous enrolment in the Faculty plus one year.

Reports

The AAB(U) shall report annually to Faculty Council at Council's first regular meeting of the academic year, 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 AAB(U) has the right to refuse to give a formal hearing to an appeal or refer the appeal to another Faculty (by unanimous consent of the members and without prior discussion) on the grounds that it is not within the jurisdiction of the Board, or, after considering the written submissions, on the grounds that there is no case for an appeal.

7. Rules and Procedures Differing from the Procedures of Standing Committees of Council

Traditionally, in standing committees and boards of Council, ex-officio members have voting privileges. The Faculty Registrar (ex-officio) is a non-voting member of the Board.

8. Academic Appeals Board (Undergraduate) Equity, Diversity & Inclusion Statement

The Academic Appeals Board (Undergraduate) is committed to operating in an equitable and professional manner. The AAB(U) will conduct its responsibilities in harmony with U of T's

Statement on Equity, Diversity & Excellence and the Faculty's Shared Values of Diversity, Inclusion & Professionalism.

The Board strives to ensure its membership reflects the identities of the U of T Engineering undergraduate students, including, but not limited to, gender and sexual diversity, race, ethnicity, Indigenous persons, and ability. Therefore, annual recruitment of faculty, student and staff members will proactively advance this diversity. In addition, faculty members are appointed where practicable with additional consideration to continuity and discipline for a term of at least three years, and, where possible, subject to reappointment.

9. Additional Information

- University of Toronto policies, statements and agreements:
<https://governingcouncil.utoronto.ca/secretariat/policies>.
- For policy and information items approved by Faculty Council:
<https://www.engineering.utoronto.ca/about/governance/faculty-council/>
- For other items produced by the Board regarding operations, etc., contact the committee's Recording Secretary. Their contact information is available on the Faculty Council website on the committee's membership roster.
- U of T is committed to the principles of the Accessibility for Ontarians with Disabilities Act. As such, we strive to make our processes as accessible as possible and provide accommodations as required for all students, teaching staff, and staff with disabilities.
<https://hrandequity.utoronto.ca/inclusion/accessibility/policies/>.